

ATTACHMENT B

**SCI-Cambridge Springs Inmate
County for September 25, 1992**

Daily Count for 9/25/92 9/25/92

In-house 147 (148 - 1 SP)
1. 211 v. 148 (State Bank)

Furlough 0 (N/C)

ATA (Count) 1 (N/C)

Total 148

25000 @ 1000

ATTACHMENT C

Deposition of John Raun

U.S. DISTRICT COURT

FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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LISA LAMBERT,

*

Plaintiff

* NO.:

vs

* C.A. 96-247-Erie

SUPERINTENDENT

*

WILLIAM WOLF, et al., *

Defendants

*

*

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* * * * *

DEPOSITION OF

JOHN RAUN

SEPTEMBER 9, 1998

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U.S. DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

* * * * *

SYLVIA VASQUEZ,

Plaintiff

vs

SUPERINTENDENT

WILLIAM WOLF, et al.,

Defendants

*

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* NO.:

* C.A. 96-429-Erie

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DEPOSITION OF
JOHN RAUN
SEPTEMBER 9, 1998

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U.S. DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

* * * * *

ROBIN PHILLIPS,

Plaintiff

vs

SUPERINTENDENT

WILLIAM WOLF, et al.,

Defendants

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DEPOSITION OF
JOHN RAUN
SEPTEMBER 9, 1998

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<p>1 U.S. DISTRICT COURT</p> <p>2 FOR THE WESTERN DISTRICT OF PENNSYLVANIA</p> <p>3 * * * * *</p> <p>4 *</p> <p>5 SYLVIA VASQUEZ, *</p> <p>6 Plaintiff * NO.:</p> <p>7 vs * C.A. 96-429-Erie</p> <p>8 SUPERINTENDENT *</p> <p>9 WILLIAM WOLF, et al., *</p> <p>10 Defendants *</p> <p>11 *</p> <p>12 * * * * *</p> <p>13</p> <p>14 DEPOSITION OF</p> <p>15 JOHN RAUN</p> <p>16 SEPTEMBER 9, 1998</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23 Any reproduction of this transcript is</p> <p>24 prohibited without authorization by the</p> <p>25 certifying agency.</p>	<p>1 DEPOSITION</p> <p>2 OF</p> <p>3</p> <p>4 JOHN RAUN, taken on behalf of the</p> <p>5 Plaintiff herein, pursuant to the Rules</p> <p>6 of Civil Procedure, taken before me, the</p> <p>7 undersigned, Shannon C. Hagerty, a Court</p> <p>8 Reporter and Notary Public in and for the</p> <p>9 Commonwealth of Pennsylvania, at SCI</p> <p>10 Cambridge Springs, Cambridge Springs,</p> <p>11 Pennsylvania, on Wednesday, September 9,</p> <p>12 1998, at 2:50 p.m.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 3	Page 5
<p>1 U.S. DISTRICT COURT</p> <p>2 FOR THE WESTERN DISTRICT OF PENNSYLVANIA</p> <p>3 * * * * *</p> <p>4 *</p> <p>5 ROBIN PHILLIPS, *</p> <p>6 Plaintiff * NO.:</p> <p>7 vs * C.A. 98-59-Erie</p> <p>8 SUPERINTENDENT *</p> <p>9 WILLIAM WOLF, et al., *</p> <p>10 Defendants *</p> <p>11 *</p> <p>12 *</p> <p>13 * * * * *</p> <p>14</p> <p>15 DEPOSITION OF</p> <p>16 JOHN RAUN</p> <p>17 SEPTEMBER 9, 1998</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23 Any reproduction of this transcript is</p> <p>24 prohibited without authorization by the</p> <p>25 certifying agency.</p>	<p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 JERE KRAKOFF, ESQUIRE</p> <p>4 1705 Allegheny Building</p> <p>5 429 Forbes Avenue</p> <p>6 Pittsburgh, PA 15219</p> <p>7 COUNSEL FOR PLAINTIFF</p> <p>8</p> <p>9 THOMAS HALLORAN, ESQUIRE</p> <p>10 Pennsylvania Office of Attorney General</p> <p>11 Litigation Section</p> <p>12 564 Forbes Avenue</p> <p>13 6th Floor</p> <p>14 Pittsburgh, PA 15219</p> <p>15 COUNSEL FOR DEFENDANT</p> <p>16</p> <p>17 ALSO PRESENT: Deputy Superintendent</p> <p>18 Karmanic</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

<p style="text-align: right;">Page 6</p> <p style="text-align: center;">I N D E X</p> <p>1</p> <p>2</p> <p>3 WITNESS: JOHN RAUN</p> <p>4 DIRECT EXAMINATION</p> <p>5 By Attorney Krakoff 9 - 81</p> <p>6 CERTIFICATE 82</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 8</p> <p style="text-align: center;">O B J E C T I O N P A G E</p> <p>1</p> <p>2</p> <p>3 ATTORNEY PAGE</p> <p>4</p> <p>5 NONE MADE</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 7</p> <p style="text-align: center;">E X H I B I T P A G E</p> <p>1</p> <p>2</p> <p>3 PAGE</p> <p>4 NUMBER DESCRIPTION IDENTIFIED</p> <p>5</p> <p>6 NONE OFFERED</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 9</p> <p style="text-align: center;">P R O C E E D I N G S</p> <p>1</p> <p>2 -----</p> <p>3 JOHN RAUN, HAVING FIRST BEEN DULY SWORN,</p> <p>4 TESTIFIED AS FOLLOWS:</p> <p>5 -----</p> <p>6 DIRECT EXAMINATION</p> <p>7 BY ATTORNEY KRAKOFF:</p> <p>8 Q. What is your full name?</p> <p>9 A. John Aaron Raun.</p> <p>10 Q. How is the Aaron spelled?</p> <p>11 A. A-A-R-O-N.</p> <p>12 Q. How old are you, Officer Raun?</p> <p>13 A. Thirty-four.</p> <p>14 Q. Are you a captain at this point?</p> <p>15 A. No, sir, I'm not. I'm a</p> <p>16 lieutenant.</p> <p>17 Q. When did you become a lieutenant,</p> <p>18 what year?</p> <p>19 A. Let's see, I've been a lieutenant</p> <p>20 for about three years now.</p> <p>21 Q. Why don't you describe when you</p> <p>22 began working here and the progression in</p> <p>23 terms of promotions, when they occurred?</p> <p>24 A. Okay. I started in April of 1992</p> <p>25 and I went to the academy during that</p>

<p style="text-align: right;">Page 10</p> <p>1 month into May 20th and then after that I 2 went into one year of training status and 3 I became a CO-1 as of April 1993. Then I 4 was 501 to CO-2 probably about nine 5 months after that, January --- 6 Q. Of '94? 7 A. --- '94. 8 Q. Is CO-2 equivalent ---? 9 A. Sergeant. 10 Q. Sergeant. 11 A. And then I became a CO-3, a 12 lieutenant --- I don't know the exact 13 dates. I'm going to go round about. It 14 was probably sometime in '95, April of 15 '95. 16 Q. Had you been employed with the 17 Department of Corrections before coming 18 to Cambridge Springs? 19 A. No, sir, I started here. 20 Q. Now, did you know James Icker 21 while he was employed at Cambridge 22 Springs? 23 A. In what sense? 24 Q. Well, ---. 25 A. Just as a coworker.</p>	<p style="text-align: right;">Page 12</p> <p>1 Springs inmate? 2 A. No, sir, I don't recall. I was 3 questioned by OPR and I don't think it 4 was in regards to Icker, but it was in 5 regards to myself in an investigation 6 that was done on me. 7 Q. Okay. I'm going to question you 8 about that, --- 9 A. All right. Okay. 10 Q. --- but I just wanted to know 11 whether anybody with the central office 12 questioned you about any aspect of 13 allegations against Officer Icker that he 14 had been sexually involved with any 15 inmate at Cambridge Springs? 16 A. I don't recall that. 17 Q. And let me define what I mean by 18 sexually involved though I think probably 19 all of us have a general sense of what I 20 mean by sexual involvement so it is 21 clear. Sexual involvement would include 22 kissing, fondling or touching an inmate 23 in the vaginal area, in the legs and 24 buttocks, the breasts, things of that 25 sort. So you don't have any recollection</p>
<p style="text-align: right;">Page 11</p> <p>1 Q. You knew him as a coworker? 2 A. Right. 3 Q. Okay. And do you recall whether 4 Officer Icker started the same time you 5 did or whether it was after? 6 A. It was after I did. 7 Q. And had you ever worked with him 8 on any sort of regularly assigned post? 9 A. No, sir. 10 Q. Did you ever socialize with James 11 Icker off of Cambridge Springs grounds? 12 A. No, sir. 13 Q. So I take it that you didn't 14 consider Icker to be a social friend but 15 as a --- just as a coworker; is that 16 correct? 17 A. Yes, sir. 18 Q. Now, were you ever questioned by 19 OPR personnel and they might have been 20 called Office of Special Investigation 21 along the line. But were you ever 22 questioned by OPR or OSI personnel 23 regarding any allegations that were made 24 against Officer Icker in connection with 25 sexual involvement with any Cambridge</p>	<p style="text-align: right;">Page 13</p> <p>1 of being questioned in connection with 2 any such allegations against Icker; is 3 that correct? 4 A. Right. 5 Q. Okay. Now, do you have any 6 recollection of ever being questioned by 7 anybody at the institutional level, 8 meaning here at Cambridge Springs, in 9 connection with allegations or rumors 10 that Icker was sexually involved or had 11 been sexually involved with any Cambridge 12 Springs prisoners? 13 A. Our policy is when someone is 14 under investigation, we don't talk about 15 it. 16 Q. Okay. Meaning if somebody is 17 under investigation at the central office 18 level, people at this level aren't 19 questioning personnel about it, is that 20 what you meant? 21 A. No. I'm saying unless you are 22 directly involved and saying you have to 23 come in because you're part of the 24 investigation, it comes from OPR or it 25 comes from the superintendent's</p>

<p style="text-align: right;">Page 14</p> <p>1 discretion or the deputy's discretion, 2 okay, on who should be involved. And 3 only at that time during your questioning 4 in a professional way, you know, of your 5 involvement in an investigation. That is 6 the only time that you are to say 7 anything about an investigation. 8 Otherwise you're not to talk about it. 9 Q. I don't think I understand. 10 You're not going to talk about it with? 11 A. Coworkers. 12 Q. Coworkers. What I was asking was 13 whether --- and it might have come before 14 a referral to the central office, but 15 were you ever questioned by either the 16 superintendent, one of the deputy 17 superintendents, the captain or security 18 lieutenant or any commissioned officer 19 about possible sexual misconduct on the 20 part of a Cambridge Springs staff member 21 in connection with an inmate? 22 A. Not that I can recall. 23 Q. Okay. Did you at some point 24 become aware of the fact that Officer 25 Icker --- that there were allegations</p>	<p style="text-align: right;">Page 16</p> <p>1 off the grounds? 2 A. There are rumors that go around, 3 but I can't really be specific on who or 4 what the rumors are about. I don't 5 really get into the rumor mill myself. 6 Q. Well, do you remember hearing 7 rumors? 8 A. About Icker? 9 Q. No. About any other personnel, 10 prior to the time that Icker was escorted 11 off the ground? 12 A. I believe Carl Zimmerman was --- 13 but that wasn't really a rumor. I mean, 14 he was escorted off grounds. 15 Q. Prior to that, had you heard 16 anything about Zimmerman's alleged 17 involvement with an inmate? 18 A. No. 19 Q. Okay. Anybody else? 20 A. No. Normally it was at the time 21 where the people were escorted off 22 grounds that we were made aware of what 23 happened because it was an indication of 24 what not to do at Cambridge Springs and 25 it was a message that was sent out</p>
<p style="text-align: right;">Page 15</p> <p>1 that Officer Icker was --- had been 2 involved or was involved sexually with 3 one or more inmates at the prison? 4 A. The day that he was escorted off 5 grounds, yes. 6 Q. And how did you become aware of 7 that? 8 A. Everyone was talking about it. I 9 don't know who exactly told me about it, 10 but I had heard that in general consensus 11 that Icker was walked off grounds because 12 of sexual infractions. 13 Q. Okay. Had you heard any rumors 14 prior to that, any talk of Icker's being 15 sexually involved with any Cambridge 16 Springs inmates? 17 A. No. As I remember, it was a 18 surprise to me. 19 Q. Okay. Apart from Icker, did you 20 become aware of any rumors of sexual 21 improprieties on the part of any member 22 of the prison staff toward Cambridge 23 Springs inmates from the time that you 24 became employed at Cambridge Springs to 25 the time that Officer Icker was escorted</p>	<p style="text-align: right;">Page 17</p> <p>1 amongst everybody that was working at 2 Cambridge Springs. That it was like zero 3 tolerance for any type of sexual 4 infractions or stepping across the line 5 is what we call it. 6 Q. Okay. But you said that there 7 were rumors that were circulated? 8 A. Things were said, but, you know, 9 I can't really speculate whether it's 10 rumor or not because some things were 11 factual and, you know, those people were 12 escorted off grounds. 13 Q. Did you hear any rumors before 14 those people were escorted off grounds? 15 A. I can't really recall, sir. 16 Q. Now, what about after Icker was 17 escorted off grounds? Did you hear any 18 rumors about say Marty Miller after Icker 19 was escorted off grounds before Marty 20 Miller was escorted off grounds? 21 A. No, sir, not until after he was 22 escorted off grounds. 23 Q. What about Mr. Walton (phonetic)? 24 Had you heard any rumors about him before 25 Mr. Walton was escorted off grounds?</p>

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Page 20

1 A. No. I think that was a
 2 spontaneous thing any way that they just
 3 escort him off grounds after the fact.
 4 That's why I didn't hear anything prior
 5 to that.
 6 **Q. At any point did you hear any**
 7 **rumors about Officer Mary (phonetic) and**
 8 **his being involved with any inmates?**
 9 A. Yes. Officer Mary I did and I
 10 had heard that he was under
 11 investigation.
 12 **Q. And did you hear about what the**
 13 **outcome of the investigation was?**
 14 A. I just know that he was
 15 terminated or quit. I don't know if he
 16 resigned or what.
 17 **Q. Okay. Prior to hearing that he**
 18 **was under investigation, had you heard**
 19 **any rumors about Officer Mary?**
 20 A. No.
 21 **Q. How did it come to your attention**
 22 **that he was under investigation?**
 23 A. Due to the fact that I believe he
 24 was working at control center and he was
 25 posted there.

1 **rumors?**
 2 A. I believe Lambert was claiming
 3 that she was pregnant by Schmidt.
 4 **Q. Had Lambert claimed that they had**
 5 **had sexual involvement?**
 6 A. Well, she claimed she was
 7 pregnant by him.
 8 **Q. Right. But had there been rumors**
 9 **--- other than sexual intercourse, rumors**
 10 **that there had been some sort of sexual**
 11 **involvement between Schmidt and Lambert?**
 12 A. No, sir.
 13 **Q. Do you recall who you heard the**
 14 **rumor from that Lambert was claiming that**
 15 **she had been impregnated by CO Schmidt?**
 16 A. No, sir.
 17 **Q. What about Wain Young? Had you**
 18 **heard any rumors about him?**
 19 A. No, sir. If I would have heard
 20 any rumor, I would have reported it any
 21 way. There would have been something in
 22 writing.
 23 **Q. Okay. What about Officer Stone?**
 24 A. No. Didn't hear any rumors about
 25 him either.

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Page 21

1 **Q. While he was under investigation?**
 2 A. Yes.
 3 **Q. His assignment had been changed?**
 4 A. Yes.
 5 **Q. And in the control center he**
 6 **wouldn't have direct contact with any**
 7 **inmates, was that the idea?**
 8 A. I believe so. I don't know what
 9 management's way of thinking was. Like I
 10 said, I was only a sergeant. I had only
 11 been here for a year and a half.
 12 **Q. What about Sergeant Coffee**
 13 **(phonetic) or CO Coffee? Had you heard**
 14 **any allegations at any point about his**
 15 **being involved with any inmates?**
 16 A. That's the first time I heard it.
 17 **Q. What about Lieutenant Rogers and**
 18 **he might not have been a lieutenant, but**
 19 **CO Rogers?**
 20 A. No, he's a lieutenant. No, I
 21 hadn't heard anything about him.
 22 **Q. What about CO Schmidt?**
 23 A. There were some rumors going
 24 around about Schmidt.
 25 **Q. And what was the nature of those**

1 **Harry Stewart?**
 2 A. No.
 3 **Q. Monteho (phonetic)?**
 4 A. I knew that Monteho was under
 5 investigation at one time.
 6 **Q. Okay. And do you know who he was**
 7 **under investigation in connection with?**
 8 A. I couldn't really tell you.
 9 **Q. And do you know how you learned**
 10 **that he was under investigation?**
 11 A. It was just general knowledge
 12 from talk in the institution.
 13 **Q. Okay. What about Arnold Requin**
 14 **(phonetic) or Requeen (phonetic)? He was**
 15 **a laundry supervisor?**
 16 MS. KARMANIC:
 17 It's Mr. Pequeen.
 18 ATTORNEY KRAKOFF:
 19 Pequeen, I've gotten him
 20 wrong ever time.
 21 A. Pequeen.
 22 BY ATTORNEY KRAKOFF:
 23 **Q. Had you heard any rumors about**
 24 **him?**
 25 A. No.

Page 22

1 Q. What about Officer Hammers? Did
2 you hear any rumors, allegations about
3 him?

4 A. That was during the time of Allen
5 and Hammers and --- you just --- I really
6 can't differentiate between the time that
7 they, you know, resigned or whatever.
8 Did I hear this then or --- that was a
9 long time ago, sir, I'm sorry. I really
10 can't tell you if there was rumors prior
11 to that or whatever.

12 Q. And I think you've been in most
13 of the depositions where I compile a list
14 of personnel who in one way or another
15 there had been allegations?

16 A. Right.

17 Q. And what I want to do is to see
18 whether --- and I'm prefacing this with
19 the fact that I'm not here today to smear
20 any of these people. I'm here to --- I'm
21 attempting to get the names of people
22 which might ultimately lead to some
23 evidence that will assist the Plaintiffs
24 in establishing a case.

25 A. Right.

Page 23

1 Q. So in that vain, I'm going to
2 list for you, without describing the
3 nature, of people whose names have come
4 up in one fashion or another in
5 connection with allegations of
6 inappropriate conduct, not always sexual,
7 in relation to an inmate. And I'm going
8 to ask you at the conclusion of that
9 whether you can think of any other staff
10 members, officers, maintenance or
11 otherwise who would fall within the
12 framework of inappropriate relationships
13 with inmates.

14 Q. Okay. Zimmerman, Icker, Walton
15 (phonetic), Mary (phonetic), Hull, that's
16 H-U-L-L, Coffee, Rogers, Schmidt, Young,
17 Stone, Stewart, Raun, Monteho, Free,
18 Pequeen, Hammers, Randolph, Mort,
19 Langford (phonetic), Miller, Bish,
20 Strickland (phonetic), Allen, Lawfton
21 (phonetic) is 24. Can you think of any
22 other names that I have not listed here
23 now that come to mind as you sit here?

24 A. No, I think you listed them all.

25 Q. Okay.

Page 24

1 MS. KARMANIC:

2 That Strickland is not
3 accurate, strike that. It should
4 be Stallard.

5 A. Stallard.

6 ATTORNEY KRAKOFF:

7 Lisa Stallard, thank you.

8 BY ATTORNEY KRAKOFF:

9 Q. Now, you had testified earlier
10 that there was zero tolerance at
11 Cambridge Springs in connection with
12 inappropriate relations between ---
13 inappropriate sexual relations between
14 members of the staff and inmates; is that
15 correct?

16 A. Yes, I did.

17 Q. Okay. And when and how did you
18 first become aware of the zero tolerance
19 policy?

20 A. See I was the sixth one hired at
21 the institution and as far as I can
22 remember back the superintendent at that
23 time, Captain Lazenbee, had worked with
24 female inmates at SCI ---.

25 Q. Muncy?

Page 25

1 A. Nope, Waynesburg. That was a
2 female institution. He was then the
3 captain in charge and with his experience
4 and his policies that he had been through
5 --- us being new off the streets it was
6 stressed from that point. From the time
7 that I started in corrections and which I
8 continued on telling the officers that
9 were hired as an area training sergeant,
10 Sergeant Coffee, all the sergeants that
11 were on there. It was always part of the
12 criteria that we went ahead and we told
13 these people there was zero tolerance for
14 it.

15 Q. All right. Now, was there
16 anything in writing, any written policy,
17 any memo, statement that said there will
18 be zero tolerance?

19 A. Yes, sir. We have a good ethics
20 book. It's written in there.

21 Q. Anything else?

22 A. There's a sexual harassment
23 policy that the Department of Corrections
24 has.

25 Q. Was that in existence as far as

<p style="text-align: right;">Page 26</p> <p>1 you know, when you first began working 2 here?</p> <p>3 A. I can't tell you an exact date, 4 but I know that the Department of 5 Corrections has had that instituted for a 6 very long time.</p> <p>7 Q. Okay. Sexual harassment 8 vis-a-vis inmates? In other words, 9 sexual harassment is a policy involving 10 sexual harassment from officers vis-a-vis 11 inmates or is it sexual harassment 12 between officers or other staff members?</p> <p>13 A. It's a Department of Corrections 14 policy.</p> <p>15 Q. Right. And I'm asking does that 16 policy prohibit sexual harassment among 17 the staff or does that policy extend to 18 sexual harassment from the staff toward 19 inmates?</p> <p>20 A. The way that I interpret it?</p> <p>21 Q. Well, the way it was written.</p> <p>22 A. I can't tell you unless I have 23 the policy in front of me, sir. The way 24 I interpret it is sexual harassment is 25 sexual harassment. Everybody is human</p>	<p style="text-align: right;">Page 28</p> <p>1 that this is the institution's policy 2 that there is zero tolerance for sexual 3 harassment.</p> <p>4 Q. So it came in that form?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Do you have any recollection of 7 any special meetings, training sessions, 8 seminars that were conducted for members 9 of the Cambridge Springs staff in 10 connection with the issue of sexual 11 relations between inmates and officers 12 ---</p> <p>13 A. Yes.</p> <p>14 Q. --- or other staff members?</p> <p>15 A. Yes.</p> <p>16 Q. And when did that occur or what 17 does that consist of?</p> <p>18 A. It consisted of, like I said, 19 prior to this, the sexual harassment 20 policy was read to us at role call on 21 numerous occasions. The code of ethics 22 books was --- they were assigned to us, 23 yes, and we were told that we were to 24 adhere to those policies. And ---.</p> <p>25 Q. Go ahead. Is there anything else</p>
<p style="text-align: right;">Page 27</p> <p>1 here.</p> <p>2 ATTORNEY KRAKOFF: 3 Do we have that policy, 4 Mr. Halloran? Do you know 5 whether that's been produced?</p> <p>6 ATTORNEY HALLORAN: 7 I think it was produced 8 at the first set of depositions 9 in this case.</p> <p>10 ATTORNEY KRAKOFF: 11 Okay.</p> <p>12 ATTORNEY HALLORAN: 13 I think it's been 14 produced in discovery.</p> <p>15 BY ATTORNEY KRAKOFF: 16 Q. Do you remember any efforts by 17 the administration, meaning 18 Superintendent Wolf, Deputy 19 Superintendent Utts, Deputy 20 Superintendent Karmanic, with respect to 21 announcing and reinforcing the policy of 22 zero tolerance?</p> <p>23 A. I believe that it was designated 24 that we did get the information relayed 25 to us through the captain of the guard</p>	<p style="text-align: right;">Page 29</p> <p>1 that you can think of?</p> <p>2 A. Yeah. Later on there was actual 3 --- we had somebody come in from central 4 office, I believe it was Vandavis 5 (phonetic). He came in and every 6 employee in the institution was required 7 to go to his seminar on sexual 8 harassment. And I believe it was a 9 two-hour frame where people had to sit 10 there and listen to things that could be 11 construed as sexual harassment.</p> <p>12 Q. Okay. Do you remember what year 13 that took place?</p> <p>14 A. I really couldn't tell you, sir.</p> <p>15 Q. Now, did you testify at Icker's 16 trial?</p> <p>17 A. No, sir, I did not.</p> <p>18 Q. Were you asked to testify?</p> <p>19 A. At first.</p> <p>20 Q. Okay. By the prosecution or by 21 defense?</p> <p>22 A. I don't know.</p> <p>23 Q. Was it by the District Attorney's 24 Office or was it by central office that 25 somebody asked you? Well, who asked you?</p>

<p style="text-align: right;">Page 30</p> <p>1 A. I was just told to be there. I 2 had a subpoena. I can't remember who 3 sent it to me. I was only there for 4 about an hour and then they told me I 5 could go home, so I really didn't concern 6 myself.</p> <p>7 Q. Had you been interviewed by the 8 Crawford County District Attorney's 9 Office?</p> <p>10 A. No.</p> <p>11 Q. Had you been interviewed by 12 anybody at central office in connection 13 with Icker's criminal trial?</p> <p>14 A. No.</p> <p>15 Q. Had you been interviewed by 16 anybody at Cambridge Springs in 17 connection with Icker's criminal trial?</p> <p>18 A. No.</p> <p>19 Q. Have you testified at any 20 criminal proceedings of Cambridge Springs 21 personnel in which the personnel had been 22 accused of any sexual improprieties 23 toward Cambridge Springs inmates?</p> <p>24 A. No.</p> <p>25 Q. Now, I take it from your earlier</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. Okay. But yours didn't involve 2 sexual improprieties or alleged sexual 3 improprieties; ---</p> <p>4 A. No, sir.</p> <p>5 Q. --- is that correct?</p> <p>6 A. That's correct.</p> <p>7 Q. I've asked you about being 8 questioned by OPR or OSI or ---.</p> <p>9 A. It's OPR.</p> <p>10 Q. Okay. Was there an OSI at one 11 point?</p> <p>12 A. That's Air Force Office of 13 Special Investigation.</p> <p>14 ATTORNEY KRAKOFF: 15 Off the record.</p> <p>16 OFF RECORD DISCUSSION 17 BY ATTORNEY KRAKOFF:</p> <p>18 Q. I'm going to refer to whatever 19 the investigative body is and central 20 office says OPR and you'll understand 21 what I mean, whatever it was called at 22 that time, okay?</p> <p>23 A. I'm fine with that.</p> <p>24 Q. I asked you whether you had ever 25 been questioned by OPR in connection with</p>
<p style="text-align: right;">Page 31</p> <p>1 testimony that between 1993 and 1996 the 2 only occasion that you can recall being 3 interviewed by OPR or OSI in connection 4 with possible sexual improprieties 5 between staff and inmates was in the 6 context of the investigation of you; is 7 that correct?</p> <p>8 A. No, sir, I didn't say that.</p> <p>9 Q. Okay.</p> <p>10 A. Sexual improprieties?</p> <p>11 Q. Yes.</p> <p>12 A. I was never put under 13 investigation for any sexual 14 improprieties.</p> <p>15 Q. Okay. I didn't say that to try 16 to confuse you. So then is it your 17 testimony that you've never been 18 questioned by OPR, OSI about possible 19 sexual improprieties between staff 20 members at Cambridge Springs and inmates 21 at Cambridge Springs?</p> <p>22 A. No, I have never.</p> <p>23 Q. Sorry, you have to speak up.</p> <p>24 A. I don't think I've ever been with 25 anybody else's other than my own.</p>	<p style="text-align: right;">Page 33</p> <p>1 allegations of sexual improprieties 2 between staff members at Cambridge 3 Springs and inmates. Have you ever 4 provided any written statements or 5 extraordinary occurrence reports or other 6 documents to OPR in connection with such 7 matters?</p> <p>8 A. Sexual?</p> <p>9 Q. Sexual?</p> <p>10 A. No, are you saying sexual?</p> <p>11 Q. Yes. I'm limiting it to sexual 12 improprieties as I defined it before, 13 hugging, kissing, fondling between a 14 member of the staff and an inmate?</p> <p>15 A. No.</p> <p>16 Q. Have you ever written an 17 extraordinary occurrence report and 18 submitted it here at Cambridge Springs in 19 connection with alleged sexual 20 improprieties between a member of the 21 staff and an inmate at Cambridge Springs?</p> <p>22 A. Not that I can recall.</p> <p>23 Q. Now, to your knowledge, has any 24 Cambridge Springs inmate alleged to 25 prison officials or central office</p>

<p style="text-align: right;">Page 34</p> <p>1 officials that you sexually abused or 2 harassed them, to you knowledge? 3 A. Not to my knowledge. 4 Q. Okay. Now, on what work shift 5 were you employed between January --- 6 there may have been shifts. There may 7 have been more than one shift. I'm 8 taking you back to the period between 9 January of 1993 and October 1994. 10 A. Okay. 11 Q. I'm framing a time when Lisa 12 Lambert made --- a time period during 13 which she made certain allegations. 14 A. Right. 15 Q. Okay. Between January of 1993 16 and October of 1994, on what work shift 17 or shifts were you employed? 18 A. I believe I was only on one and 19 that was six o'clock a.m. until 2:00 p.m. 20 Q. Okay. Did you have a regular 21 assignment during that time period? 22 A. I think I had two different 23 assignments. 24 Q. What were they? 25 A. One was CO-1 which you can do any</p>	<p style="text-align: right;">Page 36</p> <p>1 the prison that you were assigned to? 2 A. No. 3 Q. And what were your 4 responsibilities in a very general sense 5 as an area training sergeant? What were 6 you ---? 7 A. Okay. I was assigned to train 8 all the trainees that were on shift. 9 That lasted for a full year and you have 10 to document in their books ever single 11 day that you're on duty and ensure that 12 they're trained in the posts that they're 13 working or in areas of their phase is 14 connected with. We ensured that people 15 got relieved for meals and did their --- 16 you know, their schedules for the day, 17 made sure that authorized temporary 18 absences were going out of the 19 institution at a proper time, made sure 20 that meal line was running well, had to 21 interject up at the yard. We basically 22 were the liaison between the shift 23 commander and the CO-1s that were working 24 on post. 25 Q. Okay. So would it be accurate to</p>
<p style="text-align: right;">Page 35</p> <p>1 assignment. 2 Q. You could --- 3 A. I could --- 4 Q. --- be a floater? 5 A. --- virtually be a floater 6 anywhere, right. I could work anywhere. 7 But at the time I couldn't work housing 8 units. That would be the only place I 9 couldn't and area training Sergeant as a 10 CO-2 on 6:00 to 2:00. 11 Q. And I believe that you became an 12 area training sergeant in approximately 13 January of 1994; is that right? 14 A. January or June, I can't 15 remember. 16 Q. I'm sorry, January or June? 17 A. June, I can't remember which date 18 it is. 19 Q. Now, once you became an area 20 training sergeant, where were you 21 assigned? 22 A. I was assigned to the 23 institution. I had all kinds of 24 different responsibilities. 25 Q. Was there a particular area of</p>	<p style="text-align: right;">Page 37</p> <p>1 say that when you were a CO-1, you could 2 be in any place at the prison with the 3 exception of the interior of the housing 4 units? 5 A. Well, the housing units 6 themselves, I wouldn't be assigned there 7 as a post. 8 Q. Right. 9 A. The restricted housing unit, I 10 wouldn't be there. That's a gender post. 11 Q. I think your testimony was that 12 when you were a CO-1, you could be 13 assigned to any post in the institution 14 with the exception of the housing units; 15 is that correct? 16 A. Correct. 17 Q. Okay. And does that mean that 18 you could be assigned say to the yard? 19 A. Yes. 20 Q. And does that mean that you could 21 be assigned to the dietary area which, I 22 mean, the inmate cafeteria? 23 A. Yes. 24 Q. And were you allowed as a CO-1 to 25 be in the immediate area of the inmate</p>

<p style="text-align: right;">Page 38</p> <p>1 housing units outside of the units or 2 were you not allowed anywhere near the 3 units? 4 A. Yes, I was permitted. 5 Q. Okay. You were allowed to be in 6 the perimeter of the housing units, but 7 you weren't allowed to work inside the 8 housing units; is that correct? 9 A. Correct. 10 Q. And as the area training 11 sergeant, could you go --- could you be 12 in any of the areas of the prison, 13 including the housing units? 14 A. Yes. I have to do security 15 inspections in the housing units. 16 Q. Okay. So those would be kind of 17 walking through the housing units, but 18 not sitting at the desk; is that right? 19 A. Certainly. That's where I did my 20 training. 21 Q. Okay. So when you were a 22 sergeant, you would train the officers 23 who were assigned to the desk --- 24 A. Correct. 25 Q. --- how to work the desk?</p>	<p style="text-align: right;">Page 40</p> <p>1 that's what we did. We spent the time on 2 questions that would arise if you were 3 working the housing unit. 4 Q. Would you be right with them on 5 the unit though? 6 A. With the inmates? 7 Q. Yes. 8 A. Sure. 9 Q. Now, when you were CO-1 and you 10 were assigned to work the inmate 11 cafeteria, what were your 12 responsibilities? 13 A. Well, there was a lot of them. 14 Q. Just in general. 15 A. Just in general, ensure that 16 inmates didn't take anything out of the 17 dietary they weren't supposed to, ensure 18 that they were dressed properly, ensure 19 that they don't talk in line when they're 20 going through the line, make sure that 21 they're seated properly at their tables, 22 ensure that, you know, if something would 23 happen up there, that we reported it to 24 control immediately, observe the inmates 25 in their activities up there due to the</p>
<p style="text-align: right;">Page 39</p> <p>1 A. Correct. 2 Q. So you could be right there with 3 them and tell them this is how you do 4 this here, this is how you do that; is 5 that correct? 6 A. Sure. 7 Q. When you were a CO-1 though, you 8 weren't --- were you trained to work 9 inside the housing units at the desk? 10 A. Yes. 11 Q. Okay. But I guess I'm confused. 12 A. Due to my gender I couldn't work 13 the post though. But we had to be 14 trained, it was part of our phase-two 15 training at that time. 16 Q. Okay. So you would spend a 17 couple hours --- when you were a trainee, 18 would you be taken inside the housing 19 units and you'd spend, what, a few 20 minutes being told what to do or how 21 would that go? 22 A. They would be done in the same 23 fashion as I trained the individuals. We 24 had a certain number of questions that we 25 had to complete during that phase and</p>	<p style="text-align: right;">Page 41</p> <p>1 fact that they weren't allowed to talk 2 from table to table, weren't allowed to 3 pass food from table to table and just 4 ensure that, you know, they were 5 following the rules and regulations. 6 Q. And when you were assigned to 7 work in dietary, how long would the lunch 8 period or the dinner period or the 9 breakfast period respectively be 10 approximately? How long would you be in 11 there? 12 A. Well, when I started as a COT, it 13 would have been 20 minutes because of the 14 number of inmates that we had. So it 15 would depend on the amount of people that 16 we had in population according to the 17 time that it would take for us to go 18 ahead and feed them. 19 Q. And as the population increased, 20 their time increased? 21 A. Their time increased, exactly. 22 Q. And when you were a sergeant and 23 were training a trainee on how to work 24 the dietary post or the dining hall post, 25 how long would you be in the dining hall?</p>

<p style="text-align: right;">Page 42</p> <p>1 A. With a trainee?</p> <p>2 Q. With a trainee, yes.</p> <p>3 A. Well, we only went up there when</p> <p>4 meals were being served so it wasn't like</p> <p>5 an assignment for the day. Nobody got</p> <p>6 assigned to dietary all day long.</p> <p>7 Q. But when you were in there</p> <p>8 training them, would you be there</p> <p>9 generally ---</p> <p>10 A. During breakfast.</p> <p>11 Q. --- for the duration of the</p> <p>12 meals?</p> <p>13 A. During breakfast I'd be there</p> <p>14 during the duration, sure. We had to be</p> <p>15 up there. The sergeant has to be at</p> <p>16 dietary, during the time that it's</p> <p>17 opened. Then we didn't have zones.</p> <p>18 Q. Did you only have breakfast or</p> <p>19 did lunch occur on your shift as well?</p> <p>20 A. Lunch also.</p> <p>21 Q. Were there occasions when you</p> <p>22 were a --- the training sergeant that you</p> <p>23 were assigned to monitor --- strike that.</p> <p>24 When you were assigned to work in</p> <p>25 Luder Hall?</p>	<p style="text-align: right;">Page 44</p> <p>1 wasn't occupied at all during part of the</p> <p>2 time that I was a COT.</p> <p>3 Q. Okay. Now, do you have a</p> <p>4 recollection of the first time you saw</p> <p>5 Lisa Lambert?</p> <p>6 A. Yes, I do.</p> <p>7 Q. Okay. When was that?</p> <p>8 A. That was --- I believe the day</p> <p>9 that I was working was the date that she</p> <p>10 was transferred here and I remember her</p> <p>11 coming off the van.</p> <p>12 Q. And was she one of the early</p> <p>13 inmates to arrive here?</p> <p>14 A. I really couldn't tell you.</p> <p>15 Q. Now, how is it that you were able</p> <p>16 to recall seeing her come off of the van?</p> <p>17 Was there something that stood out in</p> <p>18 your mind or something that occurred or</p> <p>19 whatever?</p> <p>20 A. Yeah.</p> <p>21 Q. What was that?</p> <p>22 A. Just the way that she looked at</p> <p>23 me as soon as she got off the van. She</p> <p>24 like stared right through me and I can</p> <p>25 remember going home and telling my wife</p>
<p style="text-align: right;">Page 43</p> <p>1 A. As a sergeant?</p> <p>2 Q. Yes.</p> <p>3 A. No.</p> <p>4 Q. Were there times that you went</p> <p>5 through Luder Hall?</p> <p>6 A. Yes.</p> <p>7 Q. And what would generally be the</p> <p>8 purpose for your going through there?</p> <p>9 What would your function be?</p> <p>10 A. As a CO-2?</p> <p>11 Q. Yes.</p> <p>12 A. I would do training and also</p> <p>13 check the housing unit for cleanliness</p> <p>14 and basically do a walk through which I</p> <p>15 very rarely did.</p> <p>16 Q. It's my understanding based upon</p> <p>17 previous testimony that at some point, I</p> <p>18 think it was the fourth floor of Luder,</p> <p>19 was not occupied by inmates, is that your</p> <p>20 recollection?</p> <p>21 A. Yes.</p> <p>22 Q. Was that when you were a sergeant</p> <p>23 or is that when you were a CO-1 or did it</p> <p>24 extend through both of them?</p> <p>25 A. It was both of them because Luder</p>	<p style="text-align: right;">Page 45</p> <p>1 that night that, you know, this inmate</p> <p>2 that came to Cambridge Springs, she was</p> <p>3 --- I don't know. She just kind of gave</p> <p>4 me the chills, the willies.</p> <p>5 Q. Was that something basically you</p> <p>6 told your wife?</p> <p>7 A. That's what I told my wife.</p> <p>8 Q. Okay. Now, did that give you a</p> <p>9 chill because there was something</p> <p>10 menacing in her look or something</p> <p>11 sarcaticous (phonetic) in her look?</p> <p>12 A. Just something stuck out about</p> <p>13 it. I don't know how to really explain</p> <p>14 it to you. Something really stuck out</p> <p>15 about it.</p> <p>16 Q. Okay. When she looked at you, if</p> <p>17 you can recall, do you have a</p> <p>18 recollection of whether you continued to</p> <p>19 look at her the entire time she looked at</p> <p>20 you or whether you just went ---?</p> <p>21 A. No. I was just basically --- you</p> <p>22 know how you look at somebody and you</p> <p>23 just kind of, well, that was weird.</p> <p>24 Q. Right.</p> <p>25 A. It was basically like that.</p>

<p style="text-align: right;">Page 46</p> <p>1 Q. And then at that point you kind 2 of went on to other things or looked at 3 ----? 4 A. Yeah. I had things to do. I was 5 very busy that day. 6 Q. Okay. Do you have a recollection 7 of whether Lisa Lambert said anything to 8 you as she came off the bus or made any 9 gestures towards you? 10 A. Nope. 11 Q. Okay. Is it that you don't have 12 a recollection or that you recall that 13 ---? 14 A. I don't remember her saying 15 anything. 16 Q. Okay. And do you recall any 17 gestures on her part? By gestures I 18 don't mean facial expressions, I mean, 19 did she wave, was there anything about 20 her arms or her legs or any other part of 21 her body that appeared to be a gesture? 22 A. I just noticed --- 23 Q. The stare? 24 A. --- that stare. That's it. 25 Q. Do you have a recollection of</p>	<p style="text-align: right;">Page 48</p> <p>1 whatever. You know, it's just a 2 different feeling. I don't know. 3 Everybody has different perceptions of 4 people I guess. 5 Q. Did you think she was strange in 6 a way that she appeared to be imbalanced 7 in some way? 8 A. No. No. Like I said, it was 9 just a glance and that was it. 10 Q. A glance from you? 11 A. From her or whatever, I don't 12 know. 13 Q. Okay. Now, do you have a 14 recollection of the next time that you 15 saw Lisa Lambert? 16 A. No. 17 Q. Now, even if it wasn't the next 18 time, do you have a recollection of any 19 discussions with Lisa Lambert? Let me 20 define discussions so that it's clear. 21 Maybe I shouldn't use the term 22 discussions. Do you have a recollection 23 of Lisa Lambert saying anything to you 24 from the point that she came off the bus 25 and the subsequent days or weeks during</p>
<p style="text-align: right;">Page 47</p> <p>1 whether there was a smile on her face 2 when she stared at you? 3 A. No. 4 Q. Do you recall what the expression 5 was on her face? 6 A. No, I really don't. 7 Q. Okay. Do you have a recollection 8 of what your wife said in response, 9 whether she gave you any response or any 10 advice? 11 A. No, I don't recall anything. 12 Q. Was that the first time that you 13 had that experience of an inmate staring 14 at you in a way that caused you some --- 15 at least to react? 16 A. No. 17 Q. Was that the first time? 18 A. No. No. We've had other inmates 19 in there that just --- I kind of have a 20 good sense of, you know, when you look at 21 somebody you can tell, you know, that 22 there's just something about them, you 23 know, that just kind of gives you that 24 sense of --- you know, that's just kind 25 of strange. You know, they're strange or</p>	<p style="text-align: right;">Page 49</p> <p>1 the time period that we're talking about? 2 A. No. 3 Q. Do you have a recollection of 4 your saying anything to her during the 5 time period that I framed before? So 6 it's clear, we're talking about the --- 7 so you understand what the time period 8 is. It's between January of '93 and 9 October of 1994. 10 A. I really don't recall saying 11 anything to her. 12 Q. Do you have any recollection of 13 her looking at you in any way that gave 14 you --- you know, that gave you reason to 15 --- you know, to be concerned or alarmed? 16 A. Yes. 17 Q. Okay. And when was that? 18 A. She's speaking of dietary? When 19 she was speaking of dietary, okay, and I 20 was observing the inmates in dietary, she 21 was always with one of her friends, which 22 she would always stare and as I'm looking 23 across, of course, she's looking at me, 24 she'd whisper to the person next to her 25 and then she'd look back at me and they'd</p>

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1 both chuckle. You know, it was like a
2 big game for them is what it came down
3 to.

4 **Q. Do you remember whether there was**
5 **any particular friend that would be with**
6 **her or were there several, more than one?**

7 A. Three come to mind.

8 **Q. Okay. Who were they that come to**
9 **mind?**

10 A. Lisa Gunderson was one.

11 **Q. Okay. Who else?**

12 A. Inmate Javka and Inmate Lezell.

13 **Q. Do you know how to spell her**
14 **name? It's L-E-Z-E-L-L or something of**
15 **that sort.**

16 A. Something like that.

17 **Q. Did you have the impression that**
18 **she was flirting with you when she would,**
19 **you know, look at you and then they would**
20 **giggle?**

21 A. No. I didn't get the impression
22 that she was flirting with me. I got the
23 impression that she was basically just
24 trying to get my attention is what it
25 was.

1 female institution, if you could put
2 yourself in my shoes, okay, that's
3 probably something that could happen to
4 you. It's pretty detrimental, you know
5 what I mean. I mean, you're trying to
6 work day after day and you've got an
7 inmate handing you a note, okay. Of
8 course, I reported it. All right. And
9 that next day we brought her down to
10 interview her and let her know that that
11 was not condoned in the institution. So
12 what my point is is that this inmate has
13 now approached me. She has become bold
14 enough to approach me with a note, okay.
15 That gives you the feeling of standing
16 back and saying, hey, I can't deal with
17 this person on a one on one. I can't
18 deal with this person, you know, in
19 correcting her behaviors because of the
20 way that she was around me. Okay. It
21 gave me a very uneasy feeling to say
22 anything to this inmate after that. She
23 was not approachable.

24 **Q. You said that there were --- that**
25 **three of her friends came to mind in**

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1 **Q. Okay. Did you at any point**
2 **approach her and say anything to her**
3 **about what you described her doing, this**
4 **looking at you and then giggling with her**
5 **friends?**

6 A. No. Because I believe that that
7 happened after she tried to hand me a
8 note.

9 **Q. Okay. In other words, the kinds**
10 **of --- what you described as occurring in**
11 **dietary you think that occurred after she**
12 **had tried to hand you a note?**

13 A. Right. Right.

14 **Q. So you ---.**

15 A. Well, actually, I don't know. It
16 was around that time period though.

17 **Q. Okay. All right. What was the**
18 **significance --- if it was after she had**
19 **handed you the note, what impact, if any,**
20 **did that have on your going over to her**
21 **and saying, you know, what are you**
22 **looking at or why are you giggling or**
23 **what are you trying to do, what are you**
24 **up to or something like that?**

25 A. Well, being a male officer in a

1 **connection with times when she would look**
2 **at you and then giggle. Were there at**
3 **least three times that this occurred or**
4 **were these three inmates with her on one**
5 **occasion when it occurred?**

6 A. It was different states as she
7 was in the institution. The first person
8 was Gunderson. Then after Gunderson left
9 --- she was transferred out of here. The
10 next person I believe was Lezell. And
11 then after Lezell was out of here or
12 maybe at the same time her, Lezell and
13 Javka depending on where they lived at
14 Javka was the third person that she hung
15 out with. And she shared this with all
16 three of them.

17 **Q. This kind of conduct?**

18 A. This kind of conduct, exactly.

19 **Q. And can you give me just an**
20 **estimate --- I'm not asking you --- I**
21 **know you didn't stand there counting ---**
22 **I assume you didn't, you know, make a**
23 **note of it every time or count it up or**
24 **whatever. I'm just asking for an**
25 **estimate of how many occasions that kind**

<p style="text-align: right;">Page 54</p> <p>1 of behavior occurred in the dining hall 2 where you saw her looking at you and then 3 this kind of giggling? How many times 4 would you say that happened? 5 A. It was to the point where I just 6 avoided even looking at her, to the point 7 where I even avoided scanning across her 8 table because I felt that uncomfortable 9 around her. 10 Q. How many times before you reached 11 that point where you didn't want to even 12 look in her direction? How many times 13 would you estimate that occurred? 14 A. Well, it would still occur after 15 that. I mean, it's not like I could just 16 say, okay, Lisa Lambert is sitting there 17 and I'm going to go like this 18 (indicating) every time I go across her 19 table. It still occurred after that. I 20 really couldn't give you a set number, 21 but I could give you the way that I could 22 tell ---. 23 Q. Just give me a range of times 24 that you figure that that happened, 25 whether it was 10 times or 20 times, 50</p>	<p style="text-align: right;">Page 56</p> <p>1 A. I just considered that part of 2 the job. 3 Q. Okay. Had this happened to you 4 before with other inmates? 5 A. No. 6 Q. Why did you ---? 7 A. I'll make a clarification. I 8 thought you were talking about the 9 incident of her --- exclusively her 10 staring at me at dietary if I had written 11 a report on that, --- 12 Q. Yes. 13 A. --- is that what you're saying? 14 Q. Yes. I know that there was 15 another report. That's what I'm talking 16 about. 17 A. As far as that goes, no. 18 Q. Okay. Why did you feel that that 19 was part of the job when, you know, you 20 reached a point where you didn't even 21 want to basically look her way? What 22 made you feel that that was part of the 23 job? 24 A. Because I knew that the --- 25 working at an institution with females,</p>
<p style="text-align: right;">Page 55</p> <p>1 times or whatever? 2 A. I don't know. What's enough? I 3 mean, ten times. I don't know. I really 4 don't know. You've got to understand 5 I've been in there five days a week, six 6 days a week doing meals every single day, 7 okay. And, you know, do you become numb 8 to that afterwards, I'm not sure. But, 9 you know, at a point in time where I felt 10 this was ridiculous enough that I felt 11 uncomfortable with it. 12 Q. When you reached that point, did 13 you prepare an extraordinary occurrence 14 report about that behavior that she was 15 engaging in? 16 A. No, I didn't, but I made people 17 aware of it. 18 Q. Okay. And did you prepare any 19 other sort of written report, whether it 20 was called an extraordinary occurrence 21 report or something else? Did you 22 prepare any written reports about that? 23 A. About that particular --- her 24 staring at me? 25 Q. Yes. That behavior.</p>	<p style="text-align: right;">Page 57</p> <p>1 okay, that there's a possibility that 2 that may happen. You know, that certain 3 inmates wouldn't like you or would like 4 you. It didn't really --- you know, I 5 only work here. I don't have to get into 6 the personal issues with the inmates or 7 what they're saying about me or whatever. 8 You know, that's just --- you're going to 9 have that and that's the way I thought 10 about it. You know, it's going to happen 11 once in a while. 12 Q. Did you reach a point where you 13 thought what Lisa was doing in the inmate 14 cafeteria was flirtatious toward you? 15 A. I don't know. It wasn't like she 16 was going like this (indicating) or 17 anything. No hand indications. 18 Q. Just so we can describe what 19 you're ---. 20 A. That would be like me going 21 across the table and whispering to you 22 and then looking up and laughing. Is 23 that considered flirtatious, I don't 24 know. I didn't consider it flirtatious 25 because I don't involve myself with an</p>

<p style="text-align: right;">Page 58</p> <p>1 inmate in a flirtatious manor so it was 2 disregarded. 3 Q. In other words, she didn't you 4 said going like this. She didn't take 5 her index finger and kind of give you a 6 come hither sign with that finger? 7 A. Nothing like that. They would 8 just whisper back and forth to each 9 other. I didn't consider that 10 flirtatious, no. 11 Q. Now, you said that you made 12 others on the staff, I believe --- I 13 don't know that you said on the staff, 14 but I think you said that you made others 15 aware of what Lisa was doing in the 16 dining hall; is that correct? 17 A. Yes. 18 Q. Okay. Who did you make aware of 19 that? 20 A. The people that I had worked 21 with, coworkers. On a couple of 22 occasions it would annoy me a little bit 23 and I'd be like I wish Lambert would 24 knock that off, things like that. 25 Q. Do you recall the names of any of</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. Okay. And who did you tell that 2 to during an interview? 3 A. It must have been Michael 4 Walanon. 5 Q. Okay. 6 A. I don't know who my first 7 interview was. I think it was Michael 8 Walanon. I can't be positive about that. 9 Q. When you told Walanon about what 10 Lisa Lambert had done in the cafeteria, 11 --- 12 A. Excuse me, let me clarify 13 something. I don't know if I told him 14 about what she had done in the cafeteria. 15 A generalization of what her mannerisms 16 were when she was around me in the 17 cafeteria, at yard, in the housing unit, 18 out on the institutional grounds, okay. 19 It's a broad prospective so that he could 20 understand exactly her demeanor around 21 me. 22 Q. Okay. Now, was that in 23 connection --- let's turn to an exhibit 24 which I think is Exhibit --- 25 ATTORNEY KRAKOFF:</p>
<p style="text-align: right;">Page 59</p> <p>1 your coworkers? 2 A. I really don't. Like I said, it 3 was like a spontaneous thing, I wish 4 Lambert --- you know, you're sitting 5 there talking with somebody while you're 6 doing dietary. 7 Q. But you didn't think that it was 8 a significant enough of a problem that it 9 was something that you should report to 10 your superiors; is that correct? 11 A. Basically I had already been 12 through an investigation prior to that 13 for allegations she had made about me 14 throwing rocks at her window and things 15 like that. And they were well aware. 16 They were very well aware of everything 17 that Lisa Lambert had done. Yes, I did 18 report that and it was investigated. 19 Q. You reported what? 20 A. I reported Lisa Lambert's 21 mannerisms and the way that she was 22 around me in detail, yes. 23 Q. Do you recall was that a written 24 report or was that an oral report? 25 A. That was an oral interview.</p>	<p style="text-align: right;">Page 61</p> <p>1 What's that Number? 2 ATTORNEY HALLORAN: 3 Six. 4 BY ATTORNEY KRAKOFF: 5 Q. --- Exhibit Six. Mr. Halloran 6 has --- let me show you two exhibits. 7 Exhibit Six is a report. 8 BRIEF INTERRUPTION 9 BY ATTORNEY KRAKOFF: 10 Q. I'm trying to determine when you 11 related the information to OPR. Exhibit 12 Six concerns an investigation where a 13 report issued December 5th, 1994, was 14 issued and maybe you can just kind of 15 leaf through that and then I'm going to 16 ask you to ---. 17 A. This is October 4th, 1994 --- 18 October 13th --- the 28th? 19 Q. Yeah. This is the October ---. 20 A. This is the last investigation? 21 Q. Right. That's where Lisa Lambert 22 alleged that you had assaulted her. 23 A. Correct. 24 Q. Not sexually, but you had 25 assaulted her in the stairway landing.</p>

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1 A. Right.
2 Q. And then the other investigation
3 that I'm aware of is Exhibit Four, that's
4 a multi-page exhibit as well. And
5 there's a report issued June 15, 1994,
6 and this is where she alleged that you
7 had stared at her, had written her notes
8 and had grabbed her chest one time and
9 some other things.
10 A. Well, I guess that was sort of
11 sexual harassment there.
12 Q. Right. And I wanted to know
13 whether you can review these two and tell
14 me when it was that you told OPR about
15 Lisa Lambert's general behavior toward
16 you? Turn by looking at those two
17 documents.
18 ATTORNEY HALLORAN:
19 He didn't say okay to
20 that.
21 ATTORNEY KRAKOFF:
22 Okay.
23 A. I think --- in summary of the
24 investigations a lot of times they kind
25 of ask you things off the record and

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1 stuff like that. I don't know. This
2 just looks like my answers to his
3 questions that he had asked me directly
4 during the interview.
5 BY ATTORNEY KRAKOFF:
6 Q. Which one are you talking about,
7 both of those exhibits or one exhibit as
8 opposed to the other?
9 ATTORNEY HALLORAN:
10 It's in reference to
11 Exhibit Four.
12 ATTORNEY KRAKOFF:
13 Exhibit Four, okay. Is
14 there a Five? Off the record.
15 OFF RECORD DISCUSSION
16 BY ATTORNEY KRAKOFF:
17 Q. Let me pose the question, are you
18 able to determine --- by reviewing these
19 two investigative reports, namely
20 Exhibits Four and Exhibits Six --- and
21 Six, are you able to determine by
22 reviewing these when you told somebody
23 from OPR about Lisa Lambert's alleged
24 general behavior towards you?
25 A. Not that I can see.

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1 Q. Okay. So then are you able to
2 --- it's clear in your mind though, is
3 that right, that you related --- you
4 described Lisa Lambert's general conduct
5 toward you in the context of some
6 investigate --- one of the investigations
7 of you; is that correct? Is that when
8 you told OPR?
9 A. I can't tell you if it was OPR
10 because investigations are started by the
11 institution itself. It could have been
12 initially during the fact finder or
13 whatever. But, you know, people and
14 upper management knew my position with
15 Lisa Lambert.
16 Q. Okay. Was there a fact finding
17 in connection with the incident described
18 --- or the incidents described in the
19 June 15, 1994 report?
20 A. No.
21 Q. Was there a fact finding in
22 connection with the other investigation,
23 the one that's reflected in Exhibit Six?
24 A. Six?
25 Q. Yes.

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1 A. I believe so, because it was
2 referred to by Superintendent Wolf.
3 Q. Where's that?
4 A. To Vandavis, Wolf's referral to
5 review that inmate Lambert OB claims she
6 was assaulted on October 4th and 5th in
7 the stairwell.
8 Q. Okay. Is that indicative of a
9 --- the fact that there had been a fact
10 finding prior to the referral?
11 A. Well, it says that I denied all
12 the allegations that Lambert had made.
13 Q. Right.
14 A. And I submitted that I would take
15 a polygraph examination.
16 Q. Okay. Was that during the fact
17 finding?
18 A. I don't know, sir. I really
19 don't. Who knows where the fact finding
20 ends and the investigation starts? Well,
21 it's kind of hard for me to tell. I'm
22 not doing it myself. It's being done to
23 me so I don't know what they consider
24 investigation fact finding. I could do
25 it if I was the one doing the fact

<p style="text-align: right;">Page 66</p> <p>1 finding myself. I could tell you that.</p> <p>2 Q. Okay. In terms of a time line,</p> <p>3 the investigation encompassed by Exhibit</p> <p>4 Four, according to this report, was</p> <p>5 authorized in May of '94. The</p> <p>6 investigation encompassed in Exhibit Six</p> <p>7 was authorized in October of '94?</p> <p>8 A. Approximately six months apart.</p> <p>9 Q. Right. Do you know whether,</p> <p>10 prior to May of '94, you had told anybody</p> <p>11 either at the institution or at the</p> <p>12 central office that Lisa Lambert had</p> <p>13 somehow been conducting herself</p> <p>14 inappropriately towards you?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And when did that occur?</p> <p>17 A. That was when she sent me the</p> <p>18 letter.</p> <p>19 Q. Okay. Apart from that, was there</p> <p>20 a time when you described to somebody</p> <p>21 either here or at the institution or at</p> <p>22 the central office, behavior by Lisa</p> <p>23 Lambert? I think you alluded to it</p> <p>24 earlier in various parts of the</p> <p>25 institution where you thought that she</p>	<p style="text-align: right;">Page 68</p> <p>1 A. Okay. And at the yard they were</p> <p>2 allowed to roll up their pants. She</p> <p>3 would sit up there flipping her hair back</p> <p>4 like this (indicating) and just waiting</p> <p>5 for me to look at her.</p> <p>6 Q. Anything else in the yard that</p> <p>7 you can recall?</p> <p>8 A. Well, she approached me at one</p> <p>9 time after the note and had apologized</p> <p>10 for sending a little note to me.</p> <p>11 Q. Okay.</p> <p>12 A. And that was the only probably</p> <p>13 verbal conversation that I had with her.</p> <p>14 Q. Ever that you can recall?</p> <p>15 A. Other than hi, that's it. And</p> <p>16 that was prior to the note too that I</p> <p>17 would say --- you know, the inmates would</p> <p>18 say hi, of course, you say hi back. You</p> <p>19 know, I mean, it's just a response.</p> <p>20 Q. She would say hi to you before</p> <p>21 the note?</p> <p>22 A. Well, before the note, yeah, once</p> <p>23 in a while.</p> <p>24 Q. Now, the note that you're</p> <p>25 referring to, is that the note --- is it</p>
<p style="text-align: right;">Page 67</p> <p>1 had been behaving towards you in an</p> <p>2 inappropriate way; is that correct?</p> <p>3 A. Yeah. I would say it's</p> <p>4 inappropriate, but I told you that it was</p> <p>5 part of the job and I accept it as part</p> <p>6 of the job and I accepted that that was</p> <p>7 the way that Lisa Lambert was going to</p> <p>8 conduct herself in front of me as long as</p> <p>9 I worked at SCI Cambridge Springs. So it</p> <p>10 was an acceptance on my part. This is</p> <p>11 part of the job, avoid her and do your</p> <p>12 job and don't worry about --- I didn't</p> <p>13 come in worrying everyday what Lisa</p> <p>14 Lambert's going to do to me next.</p> <p>15 Q. Will you please describe to me,</p> <p>16 because you've already done it within the</p> <p>17 dining hall, ---</p> <p>18 A. Sure.</p> <p>19 Q. --- where else did Lisa Lambert,</p> <p>20 in your view, behave inappropriately</p> <p>21 towards you? Where else within this</p> <p>22 complex did she do that?</p> <p>23 A. And I can express to you that it</p> <p>24 was all nonverbal.</p> <p>25 Q. Right.</p>	<p style="text-align: right;">Page 69</p> <p>1 the second page of Exhibit One, the one</p> <p>2 that starts hey sexy?</p> <p>3 A. Yeah, that's it, sir.</p> <p>4 Q. Okay. And you sent this note</p> <p>5 onto Lieutenant Bartlet; correct?</p> <p>6 A. Lieutenant Mort I believe.</p> <p>7 Q. But in any event you reported to</p> <p>8 Deputy Mack who is now ---</p> <p>9 A. Karmanic.</p> <p>10 Q. --- Karmanic? You reported to</p> <p>11 her that you had referred --- were you</p> <p>12 reporting --- you would refer the matter</p> <p>13 to Lieutenant Bartlet and Lieutenant</p> <p>14 Mort?</p> <p>15 A. Lieutenant Mort wrote that.</p> <p>16 Q. Okay.</p> <p>17 A. He does the actions taken part.</p> <p>18 The portion of it that I did is under</p> <p>19 description of incidents and detail.</p> <p>20 Q. Okay. And then that was dated</p> <p>21 the 20th of June. And then did something</p> <p>22 else happen after the 20th in connection</p> <p>23 with communications from Lisa Lambert?</p> <p>24 A. The only other type of</p> <p>25 communication she had with me was</p>

<p style="text-align: right;">Page 70</p> <p>1 apologizing to me up on the yard for 2 having the note sent. 3 Q. What did she say to you as best 4 you can recall? 5 A. I really can't remember the 6 conversation. 7 Q. But you can remember that ---? 8 A. I just know that she was 9 apologizing. 10 Q. Did she apologize, if you can 11 recall, before the second incident, the 12 incident of the 25th of June? 13 A. That's what I was just 14 discussing. I'm not sure that I have my 15 dates right because it was a long time 16 ago. 17 Q. That's all right. Take your 18 time. 19 A. The second note was five days 20 later. And there's another EO somewhere. 21 Q. Exhibit Three is another EO. 22 A. That's the second one which I 23 refused. 24 Q. I think Exhibit Two was the 25 second note, wasn't it?</p>	<p style="text-align: right;">Page 72</p> <p>1 Q. Okay. Did you read it? 2 A. No, I didn't even open it. I 3 just took it down to the shift commander 4 and handed it in and he read it to me. 5 Q. Was the note in an envelope of 6 some sort? 7 A. Nope, it was just folded up. 8 Q. Folded up. Did Campbell tell you 9 who it was from? 10 A. She didn't tell me who it was 11 from until the second note, but I had 12 figured out who it was from already. 13 Q. How did you figure that out? 14 A. I just new that it was her. 15 Q. You knew that it was Lambert? 16 A. I had a feeling it was her. 17 Q. Okay. Did she tell you what was 18 in the note? Did Campbell say here's a 19 note? 20 A. No. She didn't say here's a 21 note. She says, I have something for 22 you. It could have been anything as far 23 as I was concerned. But when I saw that 24 the note was read to me down there in 25 front of --- or Lieutenant Mort read the</p>
<p style="text-align: right;">Page 71</p> <p>1 A. Okay. No passing. Then Exhibit 2 Three, this is when I was approached by 3 --- okay, it might be in this one. I 4 don't see the EO in here. 5 Q. Do you think that there was 6 another one that occurred after the 25th 7 of June before the 21st of July? 8 A. It was around the middle of July 9 when she apologized to me. 10 Q. Okay. 11 A. So I think it was probably after 12 the second note. 13 Q. Okay. Why don't you tell me what 14 occurred --- where were you when you 15 received the note on the 20th of June? 16 A. Inmate Campbell was a dietary 17 worker and like I said I worked 6:00 to 18 2:00 and she was an a.m. dietary worker 19 and I don't know if she hung onto the 20 note for a couple days or whatever, but 21 when she saw me out in front of dietary 22 is when she approached me with the note. 23 Q. And did she hand it to me? 24 A. She handed it to me. She said, 25 here, I got something for you.</p>	<p style="text-align: right;">Page 73</p> <p>1 note to me I saw that it was from --- I 2 presumed Lisa Lambert. 3 Q. Did he ask you who it was from? 4 Did Lieutenant Mort ask you who it was 5 from? 6 A. No. 7 Q. Okay. Now, let's turn to Exhibit 8 Two. This ---. 9 A. Sorry. 10 ATTORNEY KRAKOFF: 11 Well, wait. I'm trying 12 to get his recollection, not ---. 13 ATTORNEY HALLORAN: 14 Well, you can ask him 15 questions. Before you ask him 16 the next question I want to point 17 something else to him. This 18 doesn't relate to this question. 19 It relates to what he was looking 20 for before. 21 ATTORNEY KRAKOFF: 22 You mean whether he had 23 talked with somebody about ---? 24 ATTORNEY HALLORAN: 25 Right.</p>

<p style="text-align: right;">Page 74</p> <p>1 ATTORNEY KRAKOFF: 2 Okay. 3 A. Right. It was the second note 4 where she said, here's a note from Lisa 5 Lambert and I said, no thanks. Inmate 6 Campbell already stated that. Inmate 7 Lambert ---. 8 BY ATTORNEY KRAKOFF: 9 Q. What are you reading from now? 10 ATTORNEY HALLORAN: 11 Exhibit Two. 12 A. By this reader denying the 13 letter. Inmate Campbell told me that 14 Lisa Lambert would have regrets if I 15 didn't take the letter. In other words, 16 she was trying to force it on me. 17 BY ATTORNEY KRAKOFF: 18 Q. And that was the second --- 19 A. That was the second letter. 20 Q. --- letter? The second note; is 21 that correct? 22 A. Yes, it is. 23 Q. Okay. And that was a note that 24 you never took; is that correct? 25 A. That's correct.</p>	<p style="text-align: right;">Page 76</p> <p>1 Q. And by then you already knew who 2 Lisa was by name; correct? 3 A. I knew her as Ms. Lambert. 4 Q. And inmate Campbell told you that 5 Lambert would regret it if you didn't 6 ---? 7 A. If I denied the letter. 8 Q. Meaning if you didn't take the 9 letter? 10 A. Yes. 11 Q. Now, let me refer you to where it 12 says actions taken. That isn't your 13 handwriting; is it? 14 ATTORNEY HALLORAN: 15 Are you referring to Two? 16 ATTORNEY KRAKOFF: 17 Yes, Exhibit Two. 18 A. No. 19 BY ATTORNEY KRAKOFF: 20 Q. Okay. Do you know whose 21 handwriting that is? 22 A. Lieutenant Wagner's. 23 Q. Now, this says that Captain B, 24 --- 25 A. Bartlet.</p>
<p style="text-align: right;">Page 75</p> <p>1 Q. That's not the note that's 2 attached to Exhibit One; is that correct? 3 A. No, it's not. I don't have that 4 note and I didn't accept it so it's 5 nowhere to be found. 6 Q. Okay. 7 A. And your question about apology. 8 You asked me when she apologized? 9 Q. Yes. 10 A. It was after the second note. It 11 was on 7/21/93 at 0710 hours. 12 Q. Are you refreshing your 13 recollection from something? 14 A. Yes. From an EO, Exhibit Three. 15 Q. Okay. So did it happen on the 16 21st that she apologized or prior? 17 A. The 20th. 18 Q. Now, going back to Exhibit Two, 19 on this occasion she identified Lisa as 20 the person who had prepared the note that 21 she was attempting to pass; is that 22 correct? 23 A. Yes. 24 Q. And did she mention Lisa by name? 25 A. Yes.</p>	<p style="text-align: right;">Page 77</p> <p>1 Q. --- Captain L --- 2 A. Lazenbee. 3 Q. --- and you; is that correct, 4 Raun, --- 5 A. Yes, sir. 6 Q. --- talked to Lambert? You 7 reiterated policy. Now, do you have a 8 recollection of talking to Lambert about 9 this incident? 10 A. Yes, sir. 11 Q. Where did you talk with her? 12 A. That occurred in Captain 13 Lazenbee's office in Kurry (phonetic) 14 Hall. 15 Q. Was Lisa Lambert there --- 16 A. Yes, she was. 17 Q. --- already? 18 A. No. 19 Q. She came after you were already 20 there? 21 A. We called her down. 22 Q. Had you discussed with Captain 23 Bartlet and Captain Lazenbee what was 24 going to be said to Lisa Lambert before 25 she appeared?</p>

<p style="text-align: right;">Page 78</p> <p>1 A. No, I did not.</p> <p>2 Q. Had you been asked any questions</p> <p>3 by either Captain Bartlet or Captain</p> <p>4 Lazenbee about the incident?</p> <p>5 A. Yes, they asked me what was going</p> <p>6 on prior to inmate Lambert coming down.</p> <p>7 Q. Okay. And what did you tell</p> <p>8 them?</p> <p>9 A. Exactly what happened. She's</p> <p>10 tried to pass me two notes now.</p> <p>11 Q. Did you tell them anything about</p> <p>12 Lisa's behavior towards you prior to the</p> <p>13 attempt by Campbell to hand you the note?</p> <p>14 A. It was known, yes, that she was</p> <p>15 trying to gain my attention.</p> <p>16 Q. How do you know that it was known</p> <p>17 by these two officers?</p> <p>18 A. Because I talked to Captain</p> <p>19 Bartlet on many occasions and also</p> <p>20 Captain Lazenbee.</p> <p>21 Q. Okay. What had you told them on</p> <p>22 those occasions, the sum and substance of</p> <p>23 what you told them?</p> <p>24 A. Lambert's was --- she was up to</p> <p>25 something.</p>	<p style="text-align: right;">Page 80</p> <p>1 inmate/staff relationships and how, you</p> <p>2 know, they're not to occur. We're</p> <p>3 supposed to remain on a professional</p> <p>4 level. She wasn't to deliver anymore</p> <p>5 notes or do anything out of context of</p> <p>6 policy.</p> <p>7 Q. Okay. Did Lisa say anything that</p> <p>8 you can recall?</p> <p>9 A. No, she did not say a word. She</p> <p>10 just sat there.</p> <p>11 Q. And was she warned about --- that</p> <p>12 if she did that was she warned that</p> <p>13 something would happen?</p> <p>14 A. She was told that she wasn't ---</p> <p>15 no, nobody warned her about any --- I</p> <p>16 mean, they didn't give her a warning or</p> <p>17 anything. They just told her that this</p> <p>18 is the way it is.</p> <p>19 Q. Okay. Nothing was said about if</p> <p>20 she continued to do that, she might be</p> <p>21 disciplined or anything of that sort?</p> <p>22 A. Well, I'm sure she understood</p> <p>23 that misconduct could be served to her if</p> <p>24 she continued with the explicit behavior.</p> <p>25 Q. Was anything explicitly said as</p>
<p style="text-align: right;">Page 79</p> <p>1 Q. Did you tell them what she was up</p> <p>2 to?</p> <p>3 A. In what aspect?</p> <p>4 Q. Well, you said that you told them</p> <p>5 that she was up to something. Did you</p> <p>6 indicate the nature of what she appeared</p> <p>7 to be up to?</p> <p>8 A. She just was acting on less than</p> <p>9 a professional level as far as an inmate</p> <p>10 should be on Cambridge Springs.</p> <p>11 Q. Did you tell them that Lisa was</p> <p>12 flirting with you?</p> <p>13 A. I don't think I used the word</p> <p>14 flirting.</p> <p>15 Q. Okay.</p> <p>16 A. I just felt that she was a little</p> <p>17 more aggressive than normal.</p> <p>18 Q. Sexually aggressive.</p> <p>19 A. She never tried anything sexually</p> <p>20 with me, I couldn't say that.</p> <p>21 Q. So when Lisa came, what</p> <p>22 transpired?</p> <p>23 A. She sat down at a table and</p> <p>24 Captain Bartlet proceeded to reiterate to</p> <p>25 her about policy and procedures as far as</p>	<p style="text-align: right;">Page 81</p> <p>1 you can recall?</p> <p>2 A. No.</p> <p>3 BRIEF INTERRUPTION</p> <p>4 * * * * *</p> <p>5 DEPOSITION CONCLUDED AT 4:30 P.M.</p> <p>6 * * * * *</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

CONTINUED DEPOSITION

OF

JOHN RAUN, taken on behalf of the
Plaintiffs herein, pursuant to the Rules
of Civil Procedure, taken before me, the
undersigned, Shannon Hagerty, a Court
Reporter and Notary Public in and for the
Commonwealth of Pennsylvania, at SCI-
Cambridge Springs, Cambridge Springs,
Pennsylvania, on Thursday, September 10,
1998, at 10:07 a.m.

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1	A P P E A R A N C E S	1	E X H I B I T P A G E
2		2	
3	J E R E K R A K O F F , E S Q U I R E	3	P A G E
4	1 7 0 5 A l l e g h e n y B u i l d i n g	4	N U M B E R D E S C R I P T I O N I D E N T I F I E D
5	4 2 9 F o r b e s A v e n u e	5	
6	P i t t s b u r g h , P A 1 5 2 1 9	6	N O N E O F F E R E D
7	C o u n s e l f o r P l a i n t i f f s	7	
8		8	
9	T H O M A S H A L L O R A N , E S Q U I R E	9	
10	P A O f f i c e o f A t t o r n e y G e n e r a l	10	
11	L i t i g a t i o n S e c t i o n	11	
12	5 6 4 F o r b e s A v e n u e	12	
13	6 t h F l o o r	13	
14	P i t t s b u r g h , P A 1 5 2 1 9	14	
15	C o u n s e l f o r D e f e n d a n t s	15	
16		16	
17	A l s o P r e s e n t : A n g u s R . L o r e	17	
18	9 2 4 C h e r r y S t r e e t	18	
19	S u i t e 5 2 3	19	
20	P h i l a d e l p h i a , P A 1 9 1 0 7	20	
21		21	
22	D e p u t y S u p e r i n t e n d e n t	22	
23	K a r m a n i c	23	
24		24	
25		25	
Page 88		Page 90	
1	I N D E X	1	O B J E C T I O N P A G E
2		2	
3	W I T N E S S : J O H N R A U N	3	A T T O R N E Y P A G E
4	C O N T I N U E D E X A M I N A T I O N	4	H a l l o r a n 1 1 5 , 1 1 8 , 1 5 8
5	By A t t o r n e y K r a k o f f 9 1 - 1 8 3	5	
6	C E R T I F I C A T E 1 8 4	6	
7		7	
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24		24	
25		25	

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PROCEEDINGS

JOHN RAUN, HAVING BEEN PREVIOUSLY DULY

SWORN, TESTIFIED AS FOLLOWS:

ATTORNEY KRAKOFF:

This is a continuation of

yesterday's deposition. You're still under oath. It will be the same format. I'll offer questions to you and you'll do your best to answer the questions.

CONTINUED EXAMINATION

BY ATTORNEY KRAKOFF:

Q. I had asked you yesterday whether you consider yourself to be a social friend of Officer Icker (phonetic) and you testified that you did not.

A. Yes.

Q. At work did you --- either at work or outside of the compound did you ever have any discussions with Officer Icker about Lisa Lambert?

A. Not that I can recall.

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Q. Did you have any discussions --- and maybe I shouldn't --- discussion implies that there's maybe more than one sentence or it's a two-way sort of thing.

A. Right.

Q. Was the subject of Lisa Lambert ever the subject of something that you said to Icker or that Icker said to you, as you can recall?

A. No.

Q. Now, did you have any discussions, I know there was a meeting that you testified to yesterday, did you ever have any discussions with Bartlet (phonetic) about Lisa Lambert?

A. Other than the meeting that we had?

Q. Right.

A. I'm sure I talked to him on occasions about Lambert.

Q. Can you re ---?

A. I don't know the substance of the conversation or anything, but, you know, there was times where there was things that I had to bring to his attention.

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Q. Right. Even if you don't know what you said, what was the subject matter?

A. Normally it was Lisa Lambert's, whatever, did this or, you know, just keeping him abreast of what's going on. That way, you know, he knows just what's going on in the institution. You know it's his job as a Captain and normally and as my --- not my immediate supervisor, but one of the higher ups in the security department, without going to the deputy next. I would use Captain Bartlet as like a liaison to discuss my things, you know, with him.

Q. When you said --- when you made reference to telling Bartlet, Lisa Lambert did this or did that, were you talking about did something in your presence that you consider --- I think you described it yesterday as being unprofessional, toward you ---.

A. Yes. With the letters, yes.

And that was basically it. I mean that was the brunt of the whole situation with

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Lisa Lambert was the letters that she had written me.

Q. Okay. Yesterday though you testified, and I'm not going to give you the exact language because I didn't take it down, but tell me if this isn't accurate. You testified that Lisa Lambert behaved unprofessionally towards you in various parts of the institution; is that correct?

A. I had stated that there was times when she would walk down the walkways trying to get my attention. There was a time in the yard, or a couple times in the yard, I worked the yard, where she would try to get my attention just by flirtatious movements. You know, by, you know, she would see me, she would smile, she would flip her hair, whatever. I mean, that's about it.

Q. Did she ever reveal any part of her body to you?

A. No.

Q. So you thought it was significant to keep Captain Bartlet apprised of

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1 things that Lisa Lambert had done that
 2 you considered to be inappropriate toward
 3 you?
 4 A. Yes.
 5 Q. Was it broader than merely those
 6 letters. I mean, for exam --- you gave
 7 me the example of body language being
 8 what you perceived to be flirtatious.
 9 Would you report that kind of information
 10 to Captain Bartlet?
 11 A. No.
 12 Q. So then what you reported to
 13 Captain Bartlet was it confined to the
 14 letters that you made reference to,
 15 nothing else?
 16 A. The letters. Well, as the
 17 investigations went along too, I mean he
 18 did have something to do with that, you
 19 know, because of his role here at the
 20 institution. So up to the point where
 21 OPR would come in and investigate these
 22 things, he was the person that I had to
 23 talk to.
 24 Q. Now, within the framework of his
 25 investigation and I think you're talking

Page 96

1 about his investigation of allegations
 2 made --- allegations by Lisa Lambert ---
 3 A. Allegations by Lisa Lambert.
 4 Q. --- against you?
 5 A. Exactly.
 6 Q. I think we're aware of two, at
 7 least two separate investigations that
 8 eventually were conducted by OPR. One
 9 was Exhibit --- was reflected in Exhibit
 10 Four.
 11 A. Right.
 12 Q. And then Six was the other. Did
 13 Captain Bartlet ask you questions within
 14 the framework of the investigation
 15 covered by Exhibit Four?
 16 A. It depends on --- it's Captain
 17 Bartlet and --- both Captain Bartlet and
 18 Captain Lazenbee (phonetic) were
 19 switching roles at that time, too, so
 20 ---.
 21 Q. If you can't recall which one
 22 asked you questions, I'll put them
 23 together. Do you have a recollection of
 24 either Bartlet or Lazenbee asking you
 25 questions within the framework of the

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1 investigation that is contained in the
 2 report identified as Exhibit Four?
 3 ATTORNEY HALLORAN:
 4 Are you also including
 5 anyone that was involved in the
 6 investigations including Walanon
 7 (phonetic)?
 8 ATTORNEY KRAKOFF:
 9 No. I'm limiting it to
 10 --- I'm basing --- predicated my
 11 question on the Lieutenant's
 12 response that Bartlet would be
 13 involved in the investigation
 14 before the matter was referred on
 15 to OPR. And that's what I'm
 16 talking about, that part of the
 17 investigation.
 18 BY ATTORNEY KRAKOFF:
 19 Q. Did Bartlet or Lazenbee question
 20 you about anything involving the
 21 investigation contained in Exhibit Four?
 22 The matter, the subject matter of the
 23 investigation that was contained in
 24 Exhibit Four?
 25 A. Four?

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1 Q. Yes. I think that was Bartlet.
 2 So that it is clear, in this
 3 investigation --- in this investigation
 4 ---.
 5 BRIEF INTERRUPTION
 6 A. In Exhibit Four the investigation
 7 was not brought to my attention until OPR
 8 was actually on grounds and they were
 9 brought --- they brought me up on that.
 10 BY ATTORNEY KRAKOFF:
 11 Q. So within the framework of Lisa
 12 Lambert's allegations that you had
 13 sexually harassed her, that you had
 14 become obsessed with her, that you stared
 15 at her, that you wrote her several notes
 16 and grabbed her chest one time, and that
 17 this was unwelcome harassment. With
 18 reference to that subject matter, you
 19 don't have a recollection of either
 20 Bartlet or Lazenbee questioning you about
 21 those allegations; is that correct?
 22 A. That's correct.
 23 Q. Do you have any recollection of
 24 your discussing any of those allegations
 25 with them. And that's in contrast to you

Page 99

1 being questioned, but you're discussing
 2 it with them?
 3 A. No.
 4 Q. Now, let's turn to Exhibit Six.
 5 That's another investigation. And this
 6 is the one that concerns her allegation
 7 that she was assaulted in early October
 8 of 1994 in the stairway landing between
 9 Luder One and Luder Two. Did you have
 10 any discussions with or were you
 11 questioned about this subject by either
 12 Captain Lazenbee or Captain Bartlet?
 13 A. Yes.
 14 Q. Okay.
 15 A. That was Captain Lazenbee.
 16 Q. All right.
 17 A. I remember that distinctly
 18 because --- I believe the only question
 19 that he really asked me --- and then he
 20 told me what was going on was that he had
 21 asked me where my name tag was on my
 22 jacket and he told me that we're going to
 23 have to have an investigation. Lisa
 24 Lambert has made allegations against you
 25 again in regards to ---. What's the

Page 100

1 charges she was putting on me? She
 2 claimed that between October 4th ---
 3 between 9:00 and 10:45 while she was
 4 sweeping the landing between Luder One
 5 and Two that I pinned her up against the
 6 wall and rammed my knee into her, okay.
 7 That was basically what he told me and
 8 that there was going to be an
 9 investigation on that.
 10 Q. Did you speak with Captain
 11 Lazenbee before you were aware then that
 12 OPR was going to investigate?
 13 A. No. I mean, he told me at the
 14 same time when he spoke to me.
 15 Q. That there was going to be an
 16 investigation by OPR?
 17 A. Yes. Because they wanted to call
 18 them in right away.
 19 Q. Where did you meet with Captain
 20 Lazenbee when he asked you about your
 21 name tag?
 22 A. It was in his office in
 23 operations in Kurry Hall.
 24 Q. Was this something that he
 25 summoned you to or did you just happen to

Page 101

1 be in the office for some other business?
 2 A. I was just in the office and he
 3 called me into his office.
 4 Q. Okay. The question he put to you
 5 was something about your name tag. Do
 6 you recall ---.
 7 A. He asked me where my name tag
 8 was.
 9 Q. Did you not have your name tag on
 10 at that time?
 11 A. No, I didn't.
 12 Q. By that time, I mean the occasion
 13 that you were in his office.
 14 A. No, I did not have it on.
 15 Q. Were you in his office when he
 16 asked you where's your name tag?
 17 A. Yes.
 18 Q. Why were you in his office?
 19 A. Because he summons me in there
 20 from --- I was in the operations area
 21 doing something else and then he called
 22 me into his office.
 23 Q. Okay. So I take it that the
 24 impression you had was that Lazenbee had
 25 observed at that time that you didn't

Page 102

1 have your name tag on?
 2 A. Right.
 3 Q. Is wearing a name tag part --- is
 4 a name tag part of your uniform?
 5 A. Yes, it is.
 6 Q. Are you out of uniform if you
 7 don't have a name tag on?
 8 A. Yes.
 9 Q. What was your response, if any,
 10 when he asked you about your name tag?
 11 A. Well, the name tag had worn out
 12 and the --- we call them frogs on the
 13 back of the name tag, if you know what
 14 I'm talking about. It's underneath my
 15 collar, one of these little brass
 16 buttons. It had worn off because I had
 17 caught it on a sally port. And when I
 18 did that, it ripped my name tag off. I
 19 was working the sally port on occasions
 20 then.
 21 Q. Okay.
 22 A. And due to the fact that it
 23 wouldn't stay on my jacket, I had removed
 24 it.
 25 Q. Had it fallen off your jacket

Page 103

1 prior to ---?

2 A. Just hanging down on one side.

3 Q. Okay. And that's --- the name

4 tag has two clips on the back?

5 A. Yes, it does.

6 Q. Okay. And those are the things

7 that you refer to as the frogs?

8 A. Yes.

9 Q. You had caught the name tag on an

10 object?

11 A. The fence line in the sally port

12 below --- on the door itself.

13 Q. That separated --- well, is the

14 frog attached to the name tag?

15 A. No, it's not. It's got a little

16 indentation on the name tag where the

17 frog catches on to it. You can see, that

18 was worn away.

19 Q. Okay. Was that worn away --- was

20 that --- now, when somebody says worn

21 away, that indicates to me that over some

22 period of time something has happened.

23 A. Right. It was --- you know, I

24 had been at the institution for over two

25 years and I had the same name tag. And

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1 you put it on and off, you know, a lot.

2 Q. So was it your catching it on ---

3 in the sally port area, was that simply

4 the straw that broke the camel's back?

5 A. That's the final straw, yes.

6 Q. When was it that --- how many

7 days before your conversation with

8 Captain Lazenbee had the name tag come

9 loose in the sally port area?

10 A. I really don't know how many

11 days.

12 Q. Had it happened that day?

13 A. No, no.

14 Q. Had it happened the day before?

15 A. I would say maybe around a month.

16 A month before.

17 Q. How long had it been since you

18 had last worn your name tag?

19 A. It was a month before.

20 Q. About a month?

21 A. Uh-huh (yes).

22 Q. Okay. Now, I see that you have a

23 name tag on your shirt?

24 A. Yes.

25 Q. Is there another name tag then

Page 105

1 that was on the jacket?

2 A. Yes.

3 Q. It was the name tag on the jacket

4 that you're referring?

5 A. Yes, it is.

6 Q. Is that the only name tag that's

7 on the jacket?

8 A. Yes.

9 Q. Was that a jacket that you ---

10 when you were in uniform and were wearing

11 the jacket, was that jacket something

12 that you buttoned or zipped?

13 A. I zipped it.

14 Q. Okay. So that when your jacket

15 was on and it was zipped, a person

16 couldn't see the name tag if it was on

17 the shirt underneath; correct?

18 A. Correct.

19 Q. Was there a name tag on any other

20 part of your uniform, your hat or your

21 slacks or any other part of your uniform?

22 A. No, just my shirt.

23 Q. So with the name tag not on the

24 jacket, there wouldn't have been a name

25 tag when you were wearing the jacket that

Page 106

1 would have been visible?

2 A. Exactly.

3 Q. Were you aware at that time prior

4 to meeting with Captain Lazenbee that you

5 were out of uniform without your name tag

6 on?

7 A. I really wasn't like saying, oh

8 my gosh, I need my name tag on my jacket

9 now.

10 Q. Okay. But my question is, were

11 you aware that not having a name tag on

12 your jacket made you out of uniform

13 under the policies of the DOC?

14 A. Yes.

15 Q. Did that subject you to potential

16 discipline of any sort?

17 A. No.

18 Q. Was it unusual at that time for

19 an officer not to have a name tag on his

20 jacket?

21 A. No.

22 Q. So there were a significant

23 number of other officers on any given day

24 who wouldn't have a name tag on their

25 jacket?

<p style="text-align: right;">Page 107</p> <p>1 A. Yes. I mean, there are times I 2 hold roll call and there are people 3 without name tags on their jackets. 4 Q. What do you tell them? 5 A. That you need to order a name 6 tag. 7 Q. Where was the name tag after the 8 incident approximately a month before in 9 the sally port, what did you do with the 10 name tag? 11 A. I was sitting on my dryer at 12 home. 13 Q. For that whole time? 14 A. Yes. I didn't know it at the 15 time. As a matter of fact, I didn't know 16 where the location of my name tag was. 17 And it was my wife that found it sitting 18 on the dryer. Because after I was 19 questioned about the name tag, it took me 20 about three or four days before I could 21 locate it. And there it was on the 22 dryer. I mean, you know how you stack 23 things on the dryer and there was a lot 24 of stuff on there and the name tag was 25 underneath some items that were on my</p>	<p style="text-align: right;">Page 109</p> <p>1 have a name tag on your coat? 2 A. Yes. 3 Q. Do you recall why you didn't take 4 steps to order a replacement tag? 5 A. Just a matter of not ordering it. 6 I couldn't give you a specific reason why 7 I didn't order one. I just didn't do it. 8 I think I said that --- when I was called 9 into Captain Lazenbee's office, it wasn't 10 the reason that I didn't have a name tag 11 why he called me in there. It was 12 because of the allegation that a name tag 13 brushed up against Lisa Lambert. You 14 know, her allegations of me beating her 15 up in the stairwell that he called me in. 16 And that was why he specifically asked me 17 where is your name tag. 18 Q. Apart from whatever Mr. Halloran 19 just told you, how do you know why 20 Captain Lazenbee called you into the 21 office that day? 22 A. I didn't know that at the time. 23 When he called me in? 24 Q. Yes. 25 A. I'm speculating that. That was</p>
<p style="text-align: right;">Page 108</p> <p>1 dryer. 2 Q. Now, did you have an extra name 3 tag? 4 A. I had two issued to me, sir, and 5 I had the one on my shirt. 6 Q. The one was on your shirt. 7 A. Correct. 8 Q. How do you go --- at that time, 9 how would you go about ordering a name 10 tag, what was the procedure? 11 A. I would think you would go 12 through personnel or the captain, I'm not 13 positive. Now we just have them made on 14 the institution itself. We didn't have a 15 sign making shop then or anything like 16 that, so ---. 17 Q. So that would have been man --- 18 the name tag with your name on it would 19 have been manufactured outside of the 20 institution? 21 A. Correct. 22 Q. Do you recall why you didn't --- 23 after that incident you were aware, 24 weren't you, after the incident for 25 approximately a month that you didn't</p>	<p style="text-align: right;">Page 110</p> <p>1 the reason why he asked me about my name 2 tag because that was part of the 3 investigation or something that Lisa 4 Lambert had alleged during the time. 5 That's why he had asked me about it. 6 Q. So you're speculating then that 7 that's the reason? 8 A. Well, I mean, that the 9 investigation started right after. You 10 know, he said that he told me at the same 11 time I was in the office that OPR was 12 coming in to investigate. 13 Q. Did he ask you how long your name 14 tag had been missing? 15 A. I don't remember. 16 Q. Did he take any notes when he 17 spoke with you? 18 A. I couldn't tell you, sir. 19 Q. Did he tell you at that time that 20 one of the allegations was that you had 21 injured Lisa Lambert with your name tag? 22 A. Yes. 23 Q. Did he ask you whether you had 24 injured her with your name tag? 25 A. No, he did not. He asked me if I</p>

<p style="text-align: right;">Page 111</p> <p>1 knew where my name tag was and he felt 2 that Lisa Lambert had my name tag. 3 Q. What did you tell him? 4 A. That's impossible. 5 Q. What was that? 6 A. Because it didn't happen. 7 Q. No, but how do you know that Lisa 8 didn't have your name tag? 9 A. Well, I didn't know where it was, 10 but I knew it wasn't in the institution, 11 it was at home somewhere. 12 Q. How did you know that? 13 A. Because I took it off and left it 14 at home. 15 Q. Was it your practice to take your 16 coat home with you? 17 A. Yes, it was. 18 Q. And you recall taking it off 19 while you were at home? 20 A. I recall I left it at home. I 21 recall taking it off of my jacket. 22 Q. If a name tag were somewhere on 23 the grounds, that's something that an 24 inmate shouldn't come into possession of; 25 correct?</p>	<p style="text-align: right;">Page 113</p> <p>1 name tag or what brought that on. I have 2 no idea. I don't know what the 3 significance was other than the fact that 4 they felt that one of her injuries were 5 caused by my name tag, or she was 6 claiming that through her accusations. 7 Q. Well, then you --- didn't you --- 8 you knew from your conversation with and 9 the question from your conversation with 10 Captain Lazenbee that the name tag was 11 somehow involved in Lisa Lambert's 12 allegations against you? 13 A. Correct. 14 Q. Didn't Captain Lazenbee tell you 15 that the name --- that your name tag had 16 allegedly somehow became separated during 17 that situation in the stairwell? 18 A. Did he tell me that it became 19 separated during that time in the 20 stairwell? 21 Q. Yes. 22 A. No. 23 Q. Did he tell you that the name tag 24 had allegedly cut her during the 25 situation in the stairwell?</p>
<p style="text-align: right;">Page 112</p> <p>1 A. Correct. 2 Q. So you knew before you were 3 questioned --- strike that. 4 Were you eventually questioned by 5 somebody at OPR? 6 A. Yes. 7 Q. Do you recall who questioned you 8 about the October incident? 9 A. Mike Walanon. He started the 10 investigation and it ended with Mark 11 Datson (phonetic), or Mike Datson, sorry. 12 Q. Did Mr. Walanon bring up the 13 issue of your name tag? 14 A. Yes, he did. He said that I need 15 the name tag. I need to see what you 16 mean that the name tag if it was 17 malfunctioning, I needed to see how it 18 was malfunctioning. 19 Q. Before he brought up the question 20 --- before he told you that he needed to 21 see the name tag, did Mike Walanon tell 22 you why it was significant for him or why 23 he wanted to see the name tag? 24 A. No. I don't know if it was Lisa 25 Lambert that told him that she had the</p>	<p style="text-align: right;">Page 114</p> <p>1 A. Not cut her. He said that it 2 caused an injury to her. She was 3 claiming it caused an injury to her. 4 Q. But Captain Lazenbee didn't tell 5 you that --- strike that. 6 Did you bring the name tag to 7 Mike Walanon? 8 A. Yes, I did. 9 Q. And it was the same name tag? 10 A. Yes, it was. 11 Q. What did you show him? Did you 12 show him how the back had worn out? 13 A. Yes, I did. 14 Q. Did he ask you when was the last 15 time you had worn that name tag? 16 A. I can't remember if he asked me 17 that or not. 18 Q. Did you --- do you recall telling 19 him when the last time was that you wore 20 the name tag? 21 A. I can't recall. 22 Q. But before you met with Mr. 23 Walanon, you knew that the name tag was 24 going to somehow be involved in that 25 investigation though?</p>

<p style="text-align: right;">Page 115</p> <p>1 A. Yes, I did.</p> <p>2 Q. Was there a rule in this</p> <p>3 institution at that time that if OPR was</p> <p>4 going to conduct an investigation the</p> <p>5 person at this institution was not</p> <p>6 supposed to question the subject of the</p> <p>7 investigation?</p> <p>8 A. I didn't know that, sir, no.</p> <p>9 Q. Is that the rule now?</p> <p>10 A. To as far as what?</p> <p>11 Q. At Cambridge Springs, that if the</p> <p>12 insti --- if OPR is going to investigate,</p> <p>13 that institutional people are not</p> <p>14 supposed to question institutional</p> <p>15 personnel about them.</p> <p>16 ATTORNEY HALLORAN:</p> <p>17 I'm going to object to</p> <p>18 the form of the question. You're</p> <p>19 taking the question out of</p> <p>20 context. The individual that</p> <p>21 he's talking about, he talked to,</p> <p>22 was security ---.</p> <p>23 ATTORNEY KRAKOFF:</p> <p>24 I understand that. I'm</p> <p>25 including him. Was there a rule</p>	<p style="text-align: right;">Page 117</p> <p>1 Q. Were you questioned by anybody on</p> <p>2 the institutional level after OPR came in</p> <p>3 about the October incident?</p> <p>4 A. No.</p> <p>5 Q. Do you have any recollection of</p> <p>6 ever telling Captain Lazenbee about ---</p> <p>7 I'm excluding this October incident and</p> <p>8 I'm excluding the letters that you</p> <p>9 referred to. Apart from those areas, did</p> <p>10 you have --- at any point, did you</p> <p>11 discuss with Captain Lazenbee any</p> <p>12 perceived inappropriate behavior on the</p> <p>13 part of Lisa Lambert towards you?</p> <p>14 A. No.</p> <p>15 Q. Apart from the letters and apart</p> <p>16 from the October incident, did you have</p> <p>17 any discussions or conversations with</p> <p>18 Captain Bartlet about any perceived</p> <p>19 inappropriate behavior on the part of</p> <p>20 Lisa Lambert toward you?</p> <p>21 A. No.</p> <p>22 Q. Given the fact that she was</p> <p>23 acting in the way that you thought was</p> <p>24 flirtatious towards you on occasion, why</p> <p>25 didn't you report that in an</p>
<p style="text-align: right;">Page 116</p> <p>1 --- I'll ask him more</p> <p>2 specifically.</p> <p>3 BY ATTORNEY KRAKOFF:</p> <p>4 Q. Was there a rule that if OPR was</p> <p>5 going to conduct an investigation that</p> <p>6 nobody, including the security captain</p> <p>7 was supposed to question the officer or</p> <p>8 the other staff member who was going to</p> <p>9 be the subject of the investigation?</p> <p>10 A. I don't know the rule of the</p> <p>11 security captain's position.</p> <p>12 Q. Okay.</p> <p>13 A. I don't know. I know up to the</p> <p>14 point of the investigation.</p> <p>15 Q. Right.</p> <p>16 A. They're the ones that have to</p> <p>17 collaborate everything that's going to be</p> <p>18 involved with the investigation.</p> <p>19 Q. Right.</p> <p>20 A. In order to make the decision</p> <p>21 through the deputy and the superintendent</p> <p>22 of whether or not they're going to go up</p> <p>23 to OPR with that. So I'm sure there are</p> <p>24 some significant questions that need to</p> <p>25 be answered prior to OPR coming in.</p>	<p style="text-align: right;">Page 118</p> <p>1 extraordinary occurrence report?</p> <p>2 ATTORNEY HALLORAN:</p> <p>3 Objection. You asked</p> <p>4 that numerous times yesterday and</p> <p>5 he answered it numerous times</p> <p>6 yesterday.</p> <p>7 ATTORNEY KRAKOFF:</p> <p>8 I don't remember the</p> <p>9 answer.</p> <p>10 ATTORNEY HALLORAN:</p> <p>11 He said it was part of</p> <p>12 his job to be able to deal with</p> <p>13 it.</p> <p>14 ATTORNEY KRAKOFF:</p> <p>15 I'm sorry?</p> <p>16 ATTORNEY HALLORAN:</p> <p>17 He said it was part of</p> <p>18 his job to be able to deal with</p> <p>19 that type of situation.</p> <p>20 BY ATTORNEY KRAKOFF:</p> <p>21 Q. On your own?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Now, let me go back to something</p> <p>24 I had asked you yesterday. I had asked</p> <p>25 you whether you had testified in the</p>

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1 criminal proceedings involving CO Icker.
 2 I believe your testimony was that you
 3 didn't; correct?
 4 A. I didn't testify, right.
 5 Q. Now, did you testify in any habeas
 6 corpus, post conviction relief act
 7 proceedings, during any other proceedings
 8 that were brought on behalf of Lisa
 9 Lambert?
 10 A. No. Well, the one down in
 11 criminal? Would that be down in
 12 Lancaster? I went down to Lancaster.
 13 Q. Okay.
 14 A. Yes.
 15 Q. And did you provide testimony
 16 there?
 17 A. Yes, I did.
 18 Q. And do you recall what the
 19 subject matter --- what the area was that
 20 you were testifying about?
 21 A. I believe that Lisa Lambert was
 22 claiming that I did not --- she didn't
 23 write me a letter.
 24 Q. Okay. Let me call your attention
 25 --- so then was the subject of your

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1 testimony about whether Lisa had written
 2 you a letter?
 3 A. Yes.
 4 Q. Now, let me refer you to Exhibit
 5 One which has two pages. One is the
 6 extraordinary occurrence report that you
 7 prepared; correct? The first page.
 8 A. I initiated it, yes, sir.
 9 Q. Right. And then attached to that
 10 was a letter.
 11 A. Correct.
 12 Q. Did you attach that letter or a
 13 copy of that letter to the report or ---?
 14 A. No, sir. That was the shift
 15 commander that attached it when I handed
 16 it in.
 17 Q. Okay.
 18 A. He's the one that made a decision
 19 to attach it.
 20 Q. Okay. Now, I recall your
 21 testimony yesterday was that when you
 22 received that letter from Campbell. I
 23 think it was Campbell ---.
 24 A. Inmate Campbell, yes, sir.
 25 Q. Right. When you received that

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1 letter, you didn't --- it was folded and
 2 you did not read the text of the letter
 3 ---
 4 A. I did not.
 5 Q. --- before taking it to
 6 Lieutenant Mort; ---
 7 A. Correct.
 8 Q. --- is that correct? Okay. And
 9 then when you took it to Lieutenant Mort,
 10 did he open the ---
 11 A. He opened the letter in my
 12 presence.
 13 Q. --- letter in your presence? And
 14 he read it out loud?
 15 A. Yes, he did.
 16 Q. Okay. And was this the letter,
 17 this one that was attached to Exhibit
 18 One, the one that begins, hey, sexy, how
 19 are you? I'm okay. Just sort of bored
 20 and it goes on from there. Is this the
 21 letter that you testified about in
 22 Lancaster?
 23 A. Yes, it was.
 24 Q. Now, there was another --- there
 25 was another exhibit which is Two, dated

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1 June 25, 1993, and I believe that you
 2 testified yesterday that this is a report
 3 --- an extraordinary occurrence report
 4 that you initiated; correct?
 5 A. Yes.
 6 Q. And the description of the
 7 incident is in your hand; is that
 8 correct? You wrote that?
 9 A. Yes.
 10 Q. Okay.
 11 A. On the bottom portion ---
 12 Q. The bottom.
 13 A. --- is a description of incident.
 14 Q. Yes. You wrote on the above
 15 stated date and time, Inmate Campbell,
 16 you give her number, attempted to pass a
 17 note to this writer stating here's a
 18 letter from Lisa and you go on from
 19 there. Then you testified that you
 20 replied, no, thanks and then wrote Inmate
 21 Campbell then stated that Inmate Lambert
 22 have regrets ---
 23 A. Would have regrets.
 24 Q. --- would have regrets. Is there
 25 a would in there?

<p style="text-align: right;">Page 123</p> <p>1 A. No, there's no would.</p> <p>2 Q. That's what you meant?</p> <p>3 A. Yes.</p> <p>4 Q. Would have regrets by this writer</p> <p>5 denying the letter. Did you mean by you</p> <p>6 not taking the letter?</p> <p>7 A. Yes.</p> <p>8 Q. This is now the second letter</p> <p>9 written to this officer in one week's</p> <p>10 time period. Okay. That letter you did</p> <p>11 not accept and you never at any point</p> <p>12 came in the possession of that letter;</p> <p>13 correct?</p> <p>14 A. No, I did not.</p> <p>15 Q. And you never at any point came</p> <p>16 in possession of a photocopy of that</p> <p>17 letter; correct?</p> <p>18 A. No, sir.</p> <p>19 Q. Okay.</p> <p>20 A. There is a reason for that.</p> <p>21 Q. Okay. Why don't you ex --- I</p> <p>22 think you talked about that yesterday,</p> <p>23 but go ahead.</p> <p>24 A. Yeah, because once the letter I</p> <p>25 took down the first time, I was told not</p>	<p style="text-align: right;">Page 125</p> <p>1 A. It's approximately 100 yards</p> <p>2 north of the yard.</p> <p>3 Q. What was your assignment that</p> <p>4 day? I think you testified yesterday</p> <p>5 that on the 20th of June 1993, you were</p> <p>6 working in dietary; correct?</p> <p>7 A. That wasn't my assignment. I</p> <p>8 don't know what my assignment was that</p> <p>9 day.</p> <p>10 Q. Well, what were you doing in that</p> <p>11 area?</p> <p>12 A. I was assigned there for the</p> <p>13 dietary meal.</p> <p>14 Q. Oh, all right. That's what I</p> <p>15 meant.</p> <p>16 A. Right. But not for a whole day's</p> <p>17 eight-hour shift period.</p> <p>18 Q. Then with respect to the June</p> <p>19 25th incident where there was an attempt</p> <p>20 to pass a note to you, were you also</p> <p>21 working in dietary that day?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Then there's a third</p> <p>24 incident July 21, 1993. Why don't you</p> <p>25 read that?</p>
<p style="text-align: right;">Page 124</p> <p>1 to accept anything from inmates. Which I</p> <p>2 knew prior to that and ---.</p> <p>3 Q. Lieutenant Mort told you that?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Now, this situation</p> <p>6 occurred in the dietary area; correct?</p> <p>7 A. It was right outside of dietary's</p> <p>8 main entrance, sir.</p> <p>9 Q. Okay. The first situation you</p> <p>10 identified the area as dietary; correct?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Was that inside the dietary?</p> <p>13 A. It was outside of the dietary at</p> <p>14 the main entrance.</p> <p>15 Q. If you can describe the scene to</p> <p>16 me, where is the main entrance in</p> <p>17 relation to walkways?</p> <p>18 A. There's only one main entrance</p> <p>19 that doesn't --- there's no drop off that</p> <p>20 goes into any doors in the building.</p> <p>21 It's a straight shot into the front of</p> <p>22 the building facing the access road that</p> <p>23 runs through the institution.</p> <p>24 Q. Where is that in relation to the</p> <p>25 yard?</p>	<p style="text-align: right;">Page 126</p> <p>1 A. On the above stated date and time</p> <p>2 Inmate Gunderson (phonetic) 086877</p> <p>3 approached this writer and stated that I</p> <p>4 heard everything between you and Lisa</p> <p>5 Lambert are okay. I then stated that</p> <p>6 yes, she did apologize to me at the yard</p> <p>7 on 7/20, which was the date prior, '93</p> <p>8 for a prior incident involving Lambert</p> <p>9 0B6416 having a letter which she had</p> <p>10 written and delivered. And I referred to</p> <p>11 an EO that was written on 6/20.</p> <p>12 Q. Okay.</p> <p>13 A. Inmate Gunderson then proceeded</p> <p>14 that she was very close friends with</p> <p>15 Inmate Lambert and that Lambert had plans</p> <p>16 to get personal with this officer. And</p> <p>17 that she was planning to build with this</p> <p>18 officer, Inmate Gunderson ---</p> <p>19 Q. What did you mean build?</p> <p>20 A. --- build a relationship with</p> <p>21 this officer. Inmate Gunderson was then</p> <p>22 told by this officer that Lambert has</p> <p>23 already been warned about getting</p> <p>24 involved with officers personally. At</p> <p>25 this time the above information was</p>

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1 provided to Captain Lazenbee and shift
 2 commander Lieutenant Mansky. A meeting
 3 was then decided to be held with Inmate
 4 Lambert and a final warning was given on
 5 Inmate Lambert's acts.
 6 Q. Then there was a meeting;
 7 correct?
 8 A. Yes, sir.
 9 Q. Now, let me go to the letter
 10 that's attached to Exhibit One. She
 11 writes, how are you, I'm okay, just sort
 12 of bored. I never see you much anymore
 13 because of this crazy thing they have you
 14 doing now. Do you have any idea what
 15 this is referring to, this crazy thing
 16 they have you doing now?
 17 A. I'm working a different shift I
 18 believe.
 19 Q. What shift had you been working?
 20 A. 6:00 to 2:00.
 21 Q. Okay. What shift were you
 22 working during this time period, the time
 23 period of this letter?
 24 A. She says she doesn't see me
 25 anymore, I would have to guess it would

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1 be midnights, 10:00 to 6:00.
 2 Q. Was there a period of time that
 3 you had been shifted to midnight?
 4 A. Yes.
 5 Q. Okay. And do you recall when
 6 that occurred?
 7 A. No, I don't.
 8 Q. Well, this was June 20th of 1993
 9 and had it been a matter of a few days, a
 10 couple of weeks, a few months?
 11 A. I don't know the specifics, sir.
 12 Q. Okay. The roster would reflect
 13 that?
 14 A. It would reflect that, yes.
 15 Q. Then she wrote, I wonder if I'm
 16 ever going to start seeing you days
 17 again. Do you think you'll be out at the
 18 run-a-thon? Do you know what the run-a-
 19 thon was?
 20 A. Yes. It's a function that we put
 21 on to raise funds for different
 22 charities.
 23 Q. What does that consist of
 24 briefly? Who participates in it?
 25 A. Staff, people outside the

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1 institution. We welcome the community in
 2 the run, inmates also.
 3 Q. Is that something that if you run
 4 so much ---
 5 A. So many miles.
 6 Q. --- they give you so much money
 7 per mile or give you a flat rate?
 8 A. Yes.
 9 Q. Okay. Is that something that had
 10 been done --- was this the first run-a-
 11 thon or had it been done the year before
 12 that, do you remember?
 13 A. No, I don't.
 14 Q. Is this something that had ---
 15 was advertised or posted that there would
 16 be run-a-thon?
 17 A. I believe. I don't participate
 18 in the run-a-thon, so ---.
 19 Q. Have you ever participated?
 20 A. No.
 21 Q. She says I hope you're out there.
 22 I'll let you go. Hope I see you soon,
 23 try to stay awake and then she says ---
 24 it closes, see you sexy and then there's
 25 some ---.

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1 A. Me.
 2 Q. Me. Okay. Do you recall how
 3 long after the incident --- after the
 4 letter attached to Exhibit One you were
 5 reassigned back to the day shift?
 6 A. No, I don't.
 7 Q. You don't know if it was a matter
 8 of days or weeks or months?
 9 A. No, but it would be reflected on
 10 the schedule. Now, it must have been
 11 within six months or so. What is this,
 12 '93 and that incident was '94. It could
 13 have been anytime in between there
 14 because I working day turn as a Sergeant
 15 in '94.
 16 Q. At the time of the October 1994
 17 --- or the alleged incident of October of
 18 1994, you were working day turn?
 19 A. Yes.
 20 Q. Are you aware of the dormitory
 21 where Lisa Lambert was housed at
 22 Cambridge Springs between January of '93
 23 and October of '94?
 24 A. I don't know if she was in Luder
 25 or Cosmore. She could have been in

<p style="text-align: right;">Page 131</p> <p>1 either one. It probably was Luder. I'm 2 not sure when they opened the building or 3 anything, so ---. 4 Q. Why do you say it was probably 5 Luder? 6 A. Because that was later, I think 7 around '94, because once Luder opened, 8 she was moved over there, I believe. 9 Q. What makes you recall that? 10 A. Because Cosmore became a 11 treatment center for inmates. Due to the 12 fact that her level was a Z code, because 13 she was a lifer, I believe they moved her 14 up there in a single cell around that 15 time. I'm not positive though. 16 Q. Okay. Do you have any 17 recollection of ever seeing Lisa Lambert 18 while over at Luther --- Luder Hall? 19 A. Yes. 20 Q. Did you see her in the context of 21 her working or her apparently residing 22 there or some other ---? 23 A. She was just housed there. 24 Q. So then you did see her at some 25 point --- you don't know whether it was</p>	<p style="text-align: right;">Page 133</p> <p>1 removed off of the hinges, there's no 2 doors. 3 Q. Okay. Now, ---. 4 A. I didn't see her in the cell. I 5 saw her in the dayroom. In the dormitory 6 itself. 7 Q. Okay. In the dormitory itself, 8 did she act in any --- when you did see 9 her, did she act in what you considered 10 an inappropriate way towards you? 11 A. She would do her same, talking to 12 her friends and giggling, things like 13 that to try to get my attention. Yes, 14 sir. 15 Q. Now, I had asked you yesterday 16 about the fourth floor of Luder Hall and 17 that was not occupied at least during 18 some part of the period between January 19 of '93 and October of '94? 20 A. Correct. 21 Q. Was that most of the period or 22 all of the period? 23 A. I don't know. 24 Q. Now, were you --- were officers 25 --- despite the fact that it wasn't</p>
<p style="text-align: right;">Page 132</p> <p>1 between January of '93 and October of '94 2 that you saw her? 3 A. If she was being housed there, I 4 probably did. 5 Q. But you don't have a specific 6 recollection? 7 A. I don't have the specific dates 8 or anything. 9 Q. No, no. But do you have a 10 specific recollection that she was housed 11 during the time period between January of 12 '93 and October of '94 that at some point 13 during that time period she was living in 14 Luder? 15 A. Yes. 16 Q. And you know that because you saw 17 her over there? 18 A. Yes. 19 Q. Was she still in a cell or was 20 she in a dormitory when you saw her? 21 A. Cell --- dormitory. Well, there 22 all cells. It's a cell in a dormitory. 23 Q. Is it like a dormitory setting 24 with individual cells? 25 A. It's a dormitory that has doors</p>	<p style="text-align: right;">Page 134</p> <p>1 occupied, were officers nevertheless 2 still supposed to make rounds through the 3 fourth floor as part of inside perimeters 4 check to go through the floors at that 5 time? 6 A. Now, it's not. 7 Q. Were there occasions when you 8 went through the fourth floor during the 9 period that it was unoccupied? 10 A. Only during construction. The 11 time that they were doing construction up 12 there. 13 Q. When was that? 14 A. I really couldn't be specific. I 15 mean, it's probably right prior to them 16 opening it up. Because they did it one 17 floor at a time. 18 Q. Was there a period between 19 January of '93 and October of '94 that 20 you did go through the fourth floor while 21 it was not unoccupied on a round? 22 ATTORNEY HALLORAN: 23 Could you read back that 24 question? 25 ATTORNEY KRAKOFF:</p>

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1 Was that not
2 comprehensible?
3 ATTORNEY HALLORAN:
4 Let's go off the record
5 for a second.
6 OFF RECORD DISCUSSION
7 A. On occasions. It wasn't like a
8 daily routine.
9 BY ATTORNEY KRAKOFF:
10 Q. Did you ever see Lisa Lambert on
11 the fourth floor while it was unoccupied?
12 A. No.
13 Q. Did you consider Lisa Lambert to
14 be physically attractive?
15 A. No.
16 Q. How did you view her ---
17 A. As an inmate.
18 Q. --- from a physical standpoint?
19 A. As an inmate. I don't make
20 assumptions on inmates. I treat them all
21 the same.
22 Q. Not in terms of treating them,
23 but when you look at inmates you just see
24 them as inmates and you don't see one as
25 being attractive or pretty and others as

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1 not?
2 A. Some inmates are not attractive.
3 I wouldn't consider them attractive, no.
4 Q. Now, are you aware of what Lisa
5 Lambert's job was in May of 1993?
6 A. No.
7 Q. During any part of 1993?
8 A. I don't know. I know she was
9 working detail in '94 because that's when
10 she claimed that --- that's the only part
11 that I knew. I never followed her
12 schedule.
13 Q. Do you know that she was working
14 detail in October of '94 just because she
15 alleged that or did you know that
16 independently that she was working the
17 detail?
18 A. I knew that because she had a
19 broom in her hand when I was walking up
20 through the stairwell one day.
21 Q. Okay. Was that in October?
22 A. I don't know.
23 Q. Did you see her on more than one
24 occasion where she had a broom in her
25 hands while you were walking up the

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1 stairwell?
2 A. Not that I can recall.
3 Q. Where was the location of that
4 stairwell?
5 A. It was the main stairwell going
6 up on the, let's see, on the west center
7 stairwell. That's the main stairwell
8 that we use and the only stairwell that
9 we use.
10 Q. Is that the same or a different
11 stairwell that Lisa Lambert alleged the
12 incident in October occurred?
13 A. The same.
14 Q. Why don't you describe what you
15 recall about the day that you saw her
16 with a broom in her hand. Why don't you
17 start from the beginning at the point of
18 which you first saw her.
19 A. Okay. From the time I saw her?
20 Q. Yes.
21 A. I just come off the first floor
22 doing my security rounds and I was
23 walking up to the second floor. And as
24 you're walking up the stairs, you know,
25 you're looking down at the stairs and

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1 when I hit about the third or fourth
2 stair, somewhere around there, because I
3 think there's only like eight or ten
4 steps going up, I was about close to
5 halfway up the stairs and the movement
6 caught my eye and I looked up.
7 Q. The movement of what?
8 A. Her broom, her foot, whatever. I
9 mean, you got peripheral vision, you use
10 it especially working in an area like
11 this, you're aware of your surroundings.
12 Q. She was above ---?
13 A. She was above me. She was ---
14 the stairwell, there's two sets of steps
15 in between each floor. So you have a
16 landing here and then you go up into the
17 second floor.
18 Q. She was in the second series of
19 steps?
20 A. She was coming --- yeah, she was
21 coming down the second series and I was
22 going up.
23 Q. And after some movement caught
24 your eye, what happened?
25 A. I looked up and when I saw that

<p style="text-align: right;">Page 139</p> <p>1 it was Lambert I just basically put my 2 head down and I walked around the stairs 3 and went right up into the second floor. 4 Q. You say you walk --- I don't know 5 what you mean by walked --- because I'm 6 not familiar with the stairwell. You 7 said you walked around the stairs? What 8 does that mean? 9 A. I walked up the stairs, around 10 the landing, and then up the second set 11 of steps. 12 Q. Did you pass her? 13 A. I passed her. 14 Q. Okay. 15 A. She was on my left-hand side 16 looking down over the stairwell rail. As 17 I walked by I just kind of give a little 18 glimpse and walked by. 19 Q. Okay. Did you have any physical 20 contact with her? 21 A. None. 22 Q. Did she say anything? 23 A. No. 24 Q. Did she look at you in any 25 unusual way?</p>	<p style="text-align: right;">Page 141</p> <p>1 inmate. When you've been put through this 2 time and time again with her, you know, 3 you're going to get an uneasy feeling 4 being around someone like that, 5 especially in a stairwell where all 6 that's between you is, you know, the 7 officer on the second floor and the 8 officer on the first floor. 9 Q. Okay. Could either the officers 10 on the first floor or the second floor, 11 were they positioned inside this 12 stairwell or were they ---? 13 A. They were positioned right 14 outside of the stairwell at the officer's 15 station. 16 Q. Okay. From where they were, 17 assuming that they were at the stations, 18 would they have been in a position to see 19 you walking up and past her? 20 A. Yes. At that point? 21 Q. Yes. 22 A. Where she was standing and where 23 I walked around her, yes, the officer on 24 the second floor could see into the 25 stairwell.</p>
<p style="text-align: right;">Page 140</p> <p>1 A. No. Well, let me rephrase that 2 because when I looked up she was looking 3 down at me. 4 Q. Okay. 5 A. She was looking down at me. 6 Q. Staring at you? 7 A. I don't know. I only looked up 8 for a second, a little glance. 9 Q. Then you walked by? 10 A. Yes. 11 Q. So it was not an eventful 12 occasion; correct? I mean, there was 13 nothing that occurred of an unusual 14 nature in your mind? 15 A. Well, to me it was. I got the 16 willies. 17 Q. Why did you get the willies? 18 A. Because she had already put 19 claims against me which were untrue on, 20 you know, the other occasion and stuff 21 and I just felt uneasy. You know, you 22 get that uneasy feeling if someone puts 23 you through something as traumatic as 24 going through an investigation when it's 25 only allegations on the part of the</p>	<p style="text-align: right;">Page 142</p> <p>1 Q. Do you recall who that officer 2 was? 3 A. No, I don't. 4 Q. Okay. 5 A. And I've beaten myself up for it 6 because I don't know who he is. 7 Q. Were you asked during the 8 investigation whether you ever had an 9 occasion where you were in the stairwell 10 at the same time as Lisa Lambert? 11 A. Yes. During my polygraph test 12 hearing I was asked during that time. 13 Q. Okay. 14 A. I was asked during the 15 investigation prior to the polygraph 16 before I decided to go ahead and take the 17 polygraph. And that was pretty much it. 18 During the investigation that's when they 19 asked me. 20 Q. Okay. 21 SHORT BREAK TAKEN 22 BY ATTORNEY KRAKOFF: 23 Q. During the time period of October 24 of 1994 was it the practice of this 25 institution for there to be roll call for</p>

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1 the officers?
 2 A. Yes.
 3 Q. And as part of the roll call,
 4 were all of the officers on the shift
 5 expected to report to the roll call?
 6 A. Yes.
 7 Q. This is something that had
 8 existed ever since you were at this
 9 prison?
 10 A. First day.
 11 Q. Right. As part of the roll call,
 12 do you have --- are the officers expected
 13 to line up on some way or how ---?
 14 A. Yes, we do.
 15 Q. Okay. What, in some sort of a
 16 straight row or several rows?
 17 A. Usually two rows, but back then I
 18 think it was just one.
 19 Q. Okay. Were your uniforms
 20 inspected as part of this?
 21 A. No, they were not.
 22 Q. Okay. Has that practice --- is
 23 that still not the practice to inspect
 24 the ---.
 25 A. It's still not the practice. We

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1 have the option of doing it, but we don't
 2 do it. With a new uniform policy that's
 3 coming out, again another change, there
 4 will be inspections for uniforms. And
 5 that's once our new uniforms come in.
 6 Q. Okay. Now, had you made that
 7 trip up the stairwell before on other
 8 occasions or just the one occasion?
 9 A. Yes.
 10 Q. Was that the only time you saw
 11 Lisa Lambert in the stairwell?
 12 A. Yes.
 13 Q. The note that was attached to
 14 Exhibit One, it was read to you. When
 15 was the first time that you actually read
 16 the note yourself?
 17 A. Right after he read it to me.
 18 Q. Did he hand it to you?
 19 A. Yes.
 20 Q. And did he ask you whether you
 21 recognized the handwriting?
 22 A. No.
 23 Q. Did he ask you whether you had an
 24 understanding of who had prepared the
 25 note?

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1 A. I thought it was Lisa Lambert.
 2 Q. Right. Did he ask you that
 3 though?
 4 A. No.
 5 Q. Was there any discussion where
 6 you told the Lieutenant who you thought
 7 had written that note?
 8 A. Who I thought?
 9 Q. Yes.
 10 A. The Lieutenant as in Lieutenant
 11 Mort, the one I hand delivered it to?
 12 Q. Yes, Lieutenant Mort.
 13 A. I don't recall.
 14 Q. Other than Lieutenant Mort, was
 15 there anybody else in the office when you
 16 handed the note to him?
 17 A. I don't recall.
 18 Q. Did you hand the note to
 19 Lieutenant Mort shortly after you were
 20 given the note?
 21 A. As soon as I got the note?
 22 Q. Yes.
 23 A. It takes me about --- what's it
 24 close to a minute to walk down to the
 25 office. That's when I handed it to him.

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1 You can see that the time is 0500 hours
 2 that I wrote on there and that's when the
 3 inmates were taken up to dietary and
 4 that's when I wrote the incident report.
 5 Q. I'm sorry. You said that's when
 6 the inmates were taken to dietary?
 7 A. That's when the inmates come up
 8 to dietary to work. That's when Denise
 9 Campbell is reporting to work.
 10 Q. Were there not any inmates in the
 11 dining hall yet eating?
 12 A. No. Nobody was eating. She's a
 13 worker there. She prepared breakfast.
 14 Q. That's five o'clock in the
 15 morning?
 16 A. Yes.
 17 Q. If it was five o'clock in the
 18 morning I can make the --- draw the
 19 inference from this that you were working
 20 the evening shift at that point; correct?
 21 A. Possibility, yes.
 22 Q. Were there occasions that you
 23 began work at 5:00 when you were working
 24 the 6:00 a.m. to ---?
 25 A. No. No.

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1 Q. I'm sorry. When did your shift
2 start, 8:00 a.m.?
3 A. My shift started at --- I'm
4 presuming since I'm working nights here
5 at ---.
6 Q. No, but when you worked days,
7 when did that start?
8 A. 6:00 in the morning.
9 Q. That's what I thought.
10 A. Yes.
11 Q. Were there times when you worked
12 the 6:00 a.m. to 4:00 that you, and I'm
13 going to ask this in two ways, where you
14 actually began to work at 5:00?
15 A. No.
16 Q. Were there occasions when you
17 worked the evening shift and then worked
18 6:00 a.m.?
19 ATTORNEY HALLORAN:
20 You had said --- did you
21 say until ---?
22 A. The shifts are broken down to
23 6:00 to 2:00, 2:00 to 10:00 ---
24 BY ATTORNEY KRAKOFF:
25 Q. Right.

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1 A. --- and then 10:00 to 6:00.
2 Q. 10:00 to 6:00.
3 A. So if I was working 10:00 to 6:00
4 I would have been here at 0500 hours. If
5 I was working 6:00 to 2:00 obviously I
6 wouldn't be there.
7 Q. Okay. Night shift.
8 A. Right. I'm working night shift.
9 Q. So you were working the evening
10 shift on the 20th of June?
11 A. Yes. As I'm indicating ---
12 Q. Does this refresh your
13 recollection?
14 A. --- with this report. Not
15 really, but yes, it's obvious that at
16 0500 hours I wouldn't be in the
17 institution.
18 Q. Now, did he hand that note ---
19 did Lieutenant Mort hand that note back
20 to you? After he read it to you did he
21 the note back to you?
22 A. Yes.
23 Q. And that's when you read it?
24 A. Yes.
25 Q. Okay. And then what did you do

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1 with the note?
2 A. I gave it back to Lieutenant
3 Mort.
4 Q. Was there any time after that you
5 saw the note again?
6 A. No. Not until the investigation.
7 Q. And then somebody showed you the
8 note in the course of the investigation?
9 A. Yes.
10 Q. Did they ask you whether you
11 recognized the handwriting?
12 A. No.
13 Q. Did they ask you whether you
14 thought you knew or you did know who
15 wrote that note?
16 A. I did know at the time it was
17 her.
18 Q. How did you know that?
19 A. Because Campbell tried to hand me
20 a second note.
21 Q. And did she say something to the
22 effect, here's another note or here's a
23 second note or how did you know that it
24 was from the same person?
25 A. She just indicated that here is a

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1 letter from Lisa.
2 Q. Right. Well, how did you that
3 Lisa was the author of the first letter?
4 A. Because I told her that Inmate
5 Lambert --- I told Campbell --- well, the
6 first letter?
7 Q. Yes.
8 A. I don't know. I mean she tried
9 to hand me a second letter through the
10 same inmate.
11 Q. How did you know it was the same
12 inmate? Oh, you mean Campbell was the
13 same inmate.
14 A. Well, during the first incident
15 Campbell did state that it was from
16 Inmate Lambert.
17 ATTORNEY KRAKOFF:
18 You know, I really would
19 appreciate it if --- I think that
20 you certainly can advise your
21 client, but I don't think it's
22 appropriate for you to be showing
23 your client documents so that he
24 can answer my questions.
25 ATTORNEY HALLORAN:

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1 Well, you're trying to
2 confuse him by going over the
3 same questions 12 times in a row.
4 And if you insist on doing that
5 when he's already given you an
6 answer that relies upon a
7 document he wrote at the time,
8 which identifies Inmate Lambert
9 as the one who ---.

10 ATTORNEY KRAKOFF:
11 I was asking him for his
12 recollection.

13 ATTORNEY HALLORAN:
14 For about the 12th time.
15 If you're going to repeat the
16 questions like this then --- he's
17 referring to the report that he
18 wrote.

19 A. The report that I wrote, which is
20 Exhibit One, I stated in here that the
21 letter was from Inmate Lambert who was
22 stated by Campbell at the time that she
23 delivered the letter to me.

24 BY ATTORNEY KRAKOFF:
25 Q. And that's an exhibit that your

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1 Counsel just furnished to you to look at?
2 A. No. I've had this book in front
3 of me all morning.

4 Q. Well, I recognize that, but your
5 attorney just pointed something out on
6 Exhibit One for you to look at before you
7 answered that question; is that correct?
8 A. No, sir. I read it on my own.
9 He just flipped it to Exhibit One. I
10 read that on my own, he didn't point at
11 it.

12 Q. Well, he flipped it for you ---
13 A. Yes, he did.

14 Q. --- and called your attention to
15 that?
16 A. Yes, he did.

17 Q. Had you known who Denise Campbell
18 was prior to the June 20th incident?
19 A. Yes.

20 Q. Did you know her by name?
21 A. Inmate Campbell, yes.

22 Q. Had you had any interaction with
23 her of a social nature?
24 A. No.

25 Q. Had Ms. Campbell ever been part

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1 of a group that --- with Lisa where there
2 was giggling going on and looking at you?
3 A. No.

4 Q. Now, you testified earlier that
5 you had known even before that that you
6 weren't supposed to accept anything from
7 an inmate; correct?
8 A. Prior to the second letter, yes.

9 Q. And you didn't know it prior to
10 the first letter?
11 A. It was --- I don't know why I
12 grabbed the letter. I really don't know
13 why I did.

14 Q. Right. But did you know before
15 you took the letter on the 20th of June
16 that you weren't under the policies or
17 practices of this institution supposed to
18 accept something from an inmate?
19 A. Yes. That's why after I grabbed
20 the letter, I went directly down to the
21 shift commander.

22 Q. Do you know whether --- do you
23 know whether --- strike that.
24 Did you prepare an extraordinary
25 report for disciplinary misconduct

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1 against Ms. Campbell for having given you
2 the letter the first time?
3 A. No, sir. My practice was and
4 still is to this day that you inform the
5 inmate of something like this where you
6 feel that maybe they weren't aware of the
7 rules and regulations in that area.

8 Q. Right.
9 A. And you give them a warning.
10 And, yes I did, I warned Inmate Campbell
11 that the next time she delivered a letter
12 in the presence of Sergeant Slater, she
13 was a CO-1 at the time, that if she
14 continued to deliver letters for Inmate
15 Lambert, that she would be written a
16 misconduct. I was very specific about
17 telling her that.

18 Q. When did you tell --- did you
19 tell her that between the first and
20 second letter or after the second one?
21 A. After the second letter.

22 Q. And did that end it? Did she
23 make any other efforts to give you a
24 letter or anything else on behalf of Lisa
25 Lambert?

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1 A. No.
 2 Q. You had described the first
 3 letter as folded. You couldn't see the
 4 text when it was folded?
 5 A. Correct.
 6 Q. What about the second letter?
 7 Was that folded?
 8 A. Yes.
 9 Q. You'll see where it says actions
 10 taken on Exhibit Two.
 11 A. Yes.
 12 Q. All right. It says advised CO to
 13 speak with Deputy Mack. Did somebody
 14 advise you to speak with Deputy Mack?
 15 A. Yes.
 16 Q. Did you speak with her?
 17 A. I don't recall.
 18 Q. Now, Exhibit Three is the third
 19 extraordinary occurrence report that you
 20 prepared dated the 21st of July, 1993.
 21 The time here is 7:10. So that would be
 22 seven o'clock, 7:10 in the morning?
 23 A. Yes.
 24 Q. So does this refresh your
 25 recollection by this time, by July, you

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1 were working the day shift again?
 2 A. Yes.
 3 Q. Had you ever had any interaction
 4 with Inmate Gunderson prior to the date
 5 of the incident?
 6 A. No.
 7 Q. Had your action ---?
 8 A. Do you want to be more specific?
 9 Q. Yes. I'm talking about other
 10 than the ordinary telling inmates what to
 11 do or advise them to go to bed or, you
 12 know, kind of directions that you give
 13 --- did you ever have any conversations
 14 with Inmate Gunderson?
 15 A. No.
 16 Q. Did you know, as of July 21st,
 17 1993, of any allegations that Inmate
 18 Gunderson had been involved in some sort
 19 of a relationship of a sexual nature with
 20 Mr. Zimmerman?
 21 A. No.
 22 Q. How long would you estimate the
 23 encounter with Ms. Gunderson --- how much
 24 time would you say past from the time she
 25 --- Gunderson first spoke with you on the

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1 21st and the time she ended her
 2 discourse?
 3 A. Well, an inmate's permitted to
 4 --- or they're required to keep moving so
 5 she was coming out of Medline if I
 6 remember and it was just a passing
 7 statement. I would think that it would
 8 probably be anywhere between 45 seconds
 9 and a minute.
 10 Q. Did you tell Gunderson that Lisa
 11 had apologized to you in the yard the day
 12 before?
 13 A. Yes.
 14 Q. Was that something that you
 15 thought was something that Gunderson had
 16 to know?
 17 A. I felt that I had to be specific
 18 with her because when she asked me I
 19 heard everything between you and Lisa
 20 Lambert are okay, I didn't know what her
 21 presumption was.
 22 Q. Okay. Did you at any time in the
 23 spring of 1993 receive any information
 24 that Lisa Lambert had discussed you with
 25 Deputy Utts (phonetic)?

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1 A. No.
 2 Q. By that I mean, would she have
 3 made some allegations that you had acted
 4 in an inappropriate way toward her?
 5 A. Prior to?
 6 Q. Anytime during the spring of '93?
 7 A. I don't know.
 8 Q. Did there come a time when you
 9 became aware during 1993 that, apart from
 10 this investigation, did there come a time
 11 that you became aware that Lisa Lambert
 12 had gone to Deputy Utts with allegations
 13 that you had behaved in an inappropriate
 14 way toward her?
 15 ATTORNEY HALLORAN:
 16 I'm going to object to
 17 the form of the question. Can
 18 you describe --- there have been
 19 numerous allegations ---.
 20 ATTORNEY KRAKOFF:
 21 Well, I think there was
 22 testimony yesterday that the
 23 Lieutenant was present where Ms.
 24 Wolfgang testified that Lisa
 25 Lambert had told her that she had

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1 been trying to get the attention
 2 of people for a long time and had
 3 spoken with Deputy Utts about it.
 4 And that's why I'm asking the
 5 question.
 6 ATTORNEY HALLORAN:
 7 I'm not objecting to the
 8 question. I object to --- it's
 9 inappropriate. Part of the
 10 question is ---
 11 ATTORNEY KRAKOFF:
 12 It's not inappropriate.
 13 ATTORNEY HALLORAN:
 14 --- inappropriate conduct
 15 because we have physical assault
 16 allegations.
 17 ATTORNEY KRAKOFF:
 18 Okay.
 19 ATTORNEY HALLORAN:
 20 I believe that you're
 21 asking him about the sexual ---.
 22 BY ATTORNEY KRAKOFF:
 23 Q. I'm asking about contact of a
 24 sexual nature either touching her on her
 25 breast or any other part of her body or

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1 harassing her or stalking her. Any of
 2 these kinds of things?
 3 A. For what date?
 4 Q. I'm just asking during ---.
 5 A. Spring. You're question was
 6 spring of '93.
 7 Q. Yes, during that spring of 1993.
 8 But I thought I had broadened it.
 9 A. No.
 10 Q. Okay.
 11 A. Not that I can recall.
 12 Q. Okay. Do you have any
 13 recollection prior to yesterday when Ms.
 14 Wolfgang testified --- did you hear her
 15 testify that ---
 16 A. Yes, I did.
 17 Q. --- that Lisa had told her that
 18 she had gone to Deputy Utts with
 19 complaints about your behavior toward
 20 her?
 21 A. Yes, I did.
 22 Q. Prior to yesterday when Ms.
 23 Wolfgang testified to that, had you heard
 24 from any source that Lisa had gone to
 25 Deputy Utts with complaints about

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1 inappropriate behavior toward her on your
 2 part?
 3 A. Yes.
 4 Q. How did you --- how did you hear
 5 --- how did that information come to your
 6 attention?
 7 A. Deputy Utts called me into his
 8 office ---
 9 Q. Okay.
 10 A. --- and he sat down with me and
 11 said that he had complaints about me
 12 harassing Lisa Lambert.
 13 Q. Did he tell you --- did he
 14 describe in any way the nature of the
 15 complaints --- of her complaints?
 16 A. I can't recall, sir.
 17 Q. Do you recall what year it was
 18 that Deputy Utts called you into his
 19 office to relate that Lisa Lambert had
 20 complained about you?
 21 A. I would say it would be 1993.
 22 Q. Do you have any recollection that
 23 --- of Utts making any reference to
 24 either stalking or flirtatious or contact
 25 of a sexual nature between you and Lisa

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1 Lambert?
 2 A. He told me her allegations.
 3 Q. Do you recall anything about what
 4 the nature of her allegations were, what
 5 she was saying, according to what Utts
 6 told you?
 7 A. To recall his conversation with
 8 me?
 9 Q. Yes. I don't mean verbatim, but
 10 can you recall the gist of what he told
 11 you?
 12 A. Yeah, it was about the sexual
 13 harassment, stating that she was stalking
 14 me --- or I was stalking her, whatever.
 15 Q. What did you tell Deputy Utts?
 16 A. That I absolutely had nothing to
 17 do with that. That it wasn't occurring
 18 and it never had and never would.
 19 Q. Did Deputy Utts say anything in
 20 response to what you said that you can
 21 recall? You know, did he say, well, be
 22 on your way and good luck. Or did he say
 23 --- did he warn you, did he indicate what
 24 he was going to do?
 25 A. I believe he just told me that

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1 there's going to be an investigation. I
 2 don't know. I can't really recall
 3 exactly what he said.
 4 **Q. Did Superintendent Wolfe at any**
 5 **point during 1993 or 1994 indicate to you**
 6 **that Lisa Lambert had brought complaints**
 7 **of inappropriate conduct on your part of**
 8 **this sexually harassing nature?**
 9 A. Yes.
 10 **Q. What did he --- do you recall the**
 11 **gist of what he told you?**
 12 A. He had told me the same thing
 13 basically that Deputy Utts did and then
 14 said that he was going to look into it.
 15 **Q. Was that about the same time**
 16 **period?**
 17 A. Yes.
 18 **Q. And was that basically what he**
 19 **told you? Can you recall anything else**
 20 **of significance that he told you?**
 21 A. Just to stay clear of Lisa
 22 Lambert.
 23 **Q. Now, let me ask you about --- and**
 24 **I know --- I assume that you're aware of**
 25 **the thrust of Lisa Lambert's allegations**

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1 **about you and that one of the --- one**
 2 **category of allegations was that you had**
 3 **given her some gifts. Are you aware of**
 4 **that?**
 5 A. Yes.
 6 **Q. Now, did you ever give Lisa**
 7 **Lambert a pair of Reebok sneakers?**
 8 A. No.
 9 **Q. Did you ever order or purchase**
 10 **sneakers for Lisa Lambert?**
 11 A. No.
 12 **Q. Did you have anybody else**
 13 **purchase sneakers for Lisa Lambert?**
 14 A. No.
 15 **Q. Did you have anybody else give**
 16 **sneakers on your behalf to Lisa Lambert?**
 17 A. No.
 18 **Q. Did you give her shoes of any**
 19 **sort?**
 20 A. No.
 21 **Q. Did you ever order or purchase**
 22 **shoes of any sort for Lisa Lambert?**
 23 A. No.
 24 **Q. Did you ever give Lisa Lambert**
 25 **panties or a bra?**

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1 A. No.
 2 **Q. Did you ever order panties or a**
 3 **bra for Lisa Lambert?**
 4 A. No.
 5 **Q. Did you ask anybody to purchase**
 6 **those items for you?**
 7 A. No.
 8 **Q. Did you ask anybody to give those**
 9 **items on your behalf to Lisa Lambert?**
 10 A. No.
 11 **Q. Did you at any point ever order**
 12 **anything in the nature of a gift of any**
 13 **kind for Lisa Lambert?**
 14 A. Never.
 15 **Q. Did you ever purchase anything in**
 16 **the nature of a gift for her?**
 17 A. Never.
 18 **Q. Did you ever give her anything in**
 19 **the nature of a gift?**
 20 A. Never.
 21 **Q. Have you ever ordered or**
 22 **purchased anything from Victoria's**
 23 **Secret?**
 24 A. That's a company for anybody.
 25 **Q. Yes. Is that through a catalog?**

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1 A. No.
 2 **Q. Okay. Is that going into a**
 3 **store?**
 4 A. Yes.
 5 **Q. And where is the store that you**
 6 **purchased something?**
 7 A. Millcreek Mall in Erie.
 8 **Q. I'm sorry?**
 9 A. Millcreek Mall in Erie.
 10 **Q. Okay. Have you done that on more**
 11 **than one occasion?**
 12 A. Twice.
 13 **Q. Do you recall approximately when?**
 14 A. Christmas of last year.
 15 **Q. Okay. The last year?**
 16 A. I don't know, you know, I can't
 17 remember. Last year, no, it was the year
 18 before.
 19 **Q. 199 ---?**
 20 A. Six.
 21 **Q. Six. And what about the second**
 22 **time?**
 23 A. '96, somewhere around there.
 24 **Q. But not during 1993 or 1994?**
 25 A. No.

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1 Q. Did you ever have somebody
2 purchase on your behalf anything from
3 Victoria's Secret?
4 A. No.
5 Q. Did you purchase the items that
6 you referred to or alluded to at
7 Victoria's Secret by check, by cash or by
8 credit card?
9 A. Credit card.
10 Q. It's clear in your mind that it
11 would have had --- the purchase from
12 Victoria's Secret would have occurred
13 after 1995; is that correct?
14 A. Yes.
15 Q. You had never purchased anything
16 from Victoria's Secret during 1993 or
17 1994, is that clear in your mind?
18 A. Specifically bras and panties or
19 ---?
20 Q. Anything.
21 A. I may have gotten some lotion or
22 something prior to that. I don't know.
23 Q. Now, I'm going to ask you
24 specific questions about some of her
25 allegations of physical contact.

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1 A. Okay.
2 Q. Now, --- before I get to that,
3 let me ask you this. Did you ever during
4 the time that Lisa Lambert was an inmate
5 at Cambridge Spring ever give or send
6 either directly by yourself or through
7 some other person a written communication
8 to Lisa Lambert?
9 A. No.
10 Q. Have you ever kissed Lisa
11 Lambert?
12 A. No.
13 Q. Have you ever fondled Lisa
14 Lambert?
15 A. No.
16 Q. And by fondled I think ---
17 A. I know what fondled means, sir.
18 Q. --- you know what I mean. Have
19 you ever touched her with your hands on
20 any part of body?
21 A. No.
22 Q. Have you ever grabbed her hair?
23 A. No.
24 Q. Has any part of your body ever
25 come in contact with any part of Lisa

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1 Lambert's body, as best you recall?
2 A. No.
3 Q. Let me go back to the stairwell
4 for a moment. The time that you were
5 going up the stairwell and you saw Lisa
6 Lambert on the steps above where you
7 were, do you have any recollection of
8 approximately the hour of the day? First
9 of all, let me divide it into kind of a
10 gross period of time. You were --- just
11 so we have the framework, you were
12 working that day from 6:00 until 4:00; is
13 that correct?
14 A. 6:00 to 2:00.
15 Q. 6:00 to 2:00, I'm sorry. And
16 let's call from 6:00 until noon the
17 morning and from noon until 2:00 the
18 afternoon. Do you have a recollection of
19 whether that occasion occurred in the
20 morning or in the afternoon?
21 A. I would have to say in the
22 morning.
23 Q. Okay. So somewhere between ---
24 we'll start with that and try to narrow
25 it ---

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1 A. Okay.
2 Q. --- because it was somewhere
3 between 6:00 and --- 6:00 in the morning
4 and 12:00 in the afternoon; is that
5 correct?
6 A. Yes.
7 Q. Okay. Can you narrow it any
8 closer so that --- can you rule out just
9 based upon what your --- what your
10 routine would have been if you were going
11 through the housing unit. I think you
12 said you were going through the housing
13 units that day?
14 A. Yeah. There's log books that
15 reflect my times in the housing unit that
16 day.
17 Q. Okay. Yes.
18 A. And they would be --- get you
19 down to the minute anyway.
20 Q. Okay. But we're not --- I think
21 you testified earlier you're not sure
22 what day that was.
23 A. I'm not sure of the day that
24 she's claiming that happened, right.
25 Q. Right. Well, are you sure of the

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1 date that it was?

2 A. I'm not sure of the date that

3 she's claiming that I had done that in

4 the stairwell.

5 Q. Well, what day is she claiming

6 that that occurred?

7 A. I don't know.

8 Q. Do you have a recollection?

9 A. No. I don't know.

10 Q. Well, then how do you know --- I

11 guess I'm getting confused. If you don't

12 know what day she's claiming it, how are

13 we going to know --- and --- let me start

14 from your perspective. I think you told

15 me that you're not sure what day it was

16 that you saw her.

17 A. Right. It's in the investigation

18 that --- you know, the day and all that.

19 I'm not sure. I can't really recall the

20 day right now, unless I look at that.

21 Q. Is it your recollection that you

22 told somebody during the investigation

23 the exact day that you saw Lisa Lambert

24 in the stairwell?

25 A. Yeah.

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1 Q. Okay. All right. Let's turn to

2 the investigation and see whether that's

3 reflected in the reports.

4 OFF RECORD DISCUSSION

5 BY ATTORNEY KRAKOFF:

6 Q. I think when we broke I was

7 inquiring about whether you had told

8 anybody in the course of the

9 investigation ---

10 A. Correct.

11 Q. --- what you recall the date of

12 the encounter. And I shouldn't --- I'm

13 not going --- I know from your

14 perspective it's not an encounter, but

15 whether you could recall --- whether you

16 told me that what you thought the date

17 was that you saw Lisa Lambert in the

18 hallway. Did you tell anybody during the

19 investigation? Did you identify a date?

20 A. That I saw her?

21 Q. Yes.

22 A. No.

23 Q. Okay. Now, you had also said

24 that I believe, and correct me if I'm

25 wrong. I think you testified that at the

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1 point in which you passed Lisa Lambert on

2 the stairway that an officer, if sitting

3 at the post desk, would have been able to

4 see --- would have been able to see you

5 passing her; is that correct?

6 A. Yes.

7 Q. Approximately how far --- was

8 there like an open door?

9 A. Yes.

10 Q. When you passed her, how many

11 steps down from the top landing were you?

12 A. Was she, because I was coming up.

13 Q. Okay. Yes, I meant ---

14 A. See what I mean?

15 Q. --- were you when you passed her?

16 A. Where we actually passed each

17 other, I would say probably four steps

18 from the landing between the stairs.

19 Approximately four steps.

20 ATTORNEY HALLORAN:

21 Approximately four steps.

22 BY ATTORNEY KRAKOFF:

23 Q. Would that have been ---?

24 A. Four steps going up into the

25 second floor.

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1 Q. Was that the top landing?

2 A. Well, there's a center. Remember

3 I told you there was a set of steps that

4 go up and then there's a landing. Then

5 there's a second set and that's the next

6 floor.

7 Q. All right. When you passed her

8 you were closer to the second floor than

9 to the first one?

10 A. Second floor, right.

11 Q. To the second landing?

12 A. Uh-huh (yes).

13 Q. Was she ---

14 ATTORNEY HALLORAN:

15 It's not a second

16 landing, it's a second ---

17 there's a first floor ---.

18 ATTORNEY KRAKOFF:

19 Oh, there's not a landing

20 at the top?

21 ATTORNEY HALLORAN:

22 There's a landing in the

23 middle.

24 ATTORNEY KRAKOFF:

25 In the middle I knew

Page 175

1 that. There's not a second
 2 landing. There's simply a step
 3 and then ---.
 4 A. It's right at the ---.
 5 ATTORNEY HALLORAN:
 6 It's at the floor level.
 7 A. Yeah, at the floor level, yeah.
 8 It's just a little opening right there.
 9 BY ATTORNEY KRAKOFF:
 10 Q. Okay. When you passed Lisa, was
 11 she stationary or was she in the process
 12 of either walking up the steps, the
 13 direction that you were going, or walking
 14 down the steps?
 15 A. She was stationary.
 16 Q. Okay.
 17 A. She turned her back towards me
 18 ---
 19 Q. Okay.
 20 A. --- and I walked behind her.
 21 Q. So when you walked behind her,
 22 she wasn't facing you?
 23 A. No.
 24 Q. Could you ---.
 25 A. As I was going up the stairs I

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1 noticed she was already facing --- I
 2 don't know if she turned around during
 3 the time that I was passing her. I did
 4 not look back.
 5 Q. At the point at which you passed
 6 her, her back was to you?
 7 A. As I was passing her back was
 8 towards me, yes.
 9 Q. Okay. And, you know, maybe the
 10 easiest way rather than asking Sergeant
 11 Ron about what his estimate of the width
 12 of that stairway is, maybe at some point,
 13 we'll go in there and just measure it or
 14 something.
 15 A. There's enough room for two
 16 people to come up and down.
 17 Q. Okay.
 18 A. I'd say it's five feet across,
 19 whatever.
 20 Q. So that I can understand how that
 21 works, could you just demonstrate ---
 22 it's not going to appear on the
 23 transcript, but how the name tag --- is
 24 it kind of like one of those boy scout
 25 things that I remember?

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1 A. That goes through the shirt and
 2 see that catches so you can wiggle on
 3 that and see how it fastens on there.
 4 You can't pull it off unless you depress
 5 these two flips and pull it off.
 6 Q. Okay. You referred to this
 7 little round thing as ---
 8 A. A frog.
 9 Q. --- a frog. Are those also
 10 referred to as clips here?
 11 A. Here. I've always called them
 12 frogs since I've been in the military to
 13 this point. I don't know if they're
 14 called clips or not.
 15 Q. Okay. Other than those two frogs
 16 is there anything that keeps that tag on?
 17 A. No.
 18 Q. Okay. Did you lose either of
 19 those two frogs?
 20 A. No, I didn't. I have it. I have
 21 the frog.
 22 Q. Okay. What I meant was so we're
 23 clear, when you realized that the clip
 24 was not really adhering because one of
 25 the frogs had worn out --- one of them

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1 had worn out?
 2 A. One.
 3 Q. Okay. You then took your jacket
 4 home, you took the name tag off ---.
 5 A. I took the name tag off at work.
 6 Q. Okay. So you kept your jacket at
 7 work?
 8 A. I took it home.
 9 Q. Okay. Do you carry the jacket
 10 home? Did you take that tag off and put
 11 it somewhere when you went home that
 12 night? Did you like put it in the pocket
 13 or was it still on the jacket?
 14 A. Well, I thought I had lost the
 15 name tag so I wasn't really sure what I
 16 had done with it.
 17 Q. Okay.
 18 A. Even recalling back to a couple
 19 days after that.
 20 Q. So you weren't sure that it was
 21 home until you found it at home; ---
 22 A. Correct.
 23 Q. --- is that correct?
 24 A. Yes.
 25 Q. Did you think it was home?

<p style="text-align: right;">Page 179</p> <p>1 A. I thought it was home.</p> <p>2 Q. Okay. When you found the name</p> <p>3 tag, were the frogs still there?</p> <p>4 A. Yes.</p> <p>5 Q. Both of them?</p> <p>6 A. Yes.</p> <p>7 Q. Now, my understanding based upon</p> <p>8 a report, Exhibit Six in paragraph five</p> <p>9 of that, I think it's in paragraph --- or</p> <p>10 maybe I mean page five. There was a</p> <p>11 reference to your having taken a lie</p> <p>12 detector test. I think you testified to</p> <p>13 that earlier.</p> <p>14 A. Yes, I did.</p> <p>15 Q. You passed it as far as you know;</p> <p>16 is that correct? You were told that you</p> <p>17 passed it?</p> <p>18 A. Yes, sir.</p> <p>19 Q. We didn't ---.</p> <p>20 ATTORNEY KRAKOFF:</p> <p>21 Mr. Halloran, we --- I</p> <p>22 don't think we've received a copy</p> <p>23 of the lie detector test results.</p> <p>24 That was an attachment to ---.</p> <p>25 ATTORNEY HALLORAN:</p>	<p style="text-align: right;">Page 181</p> <p>1 don't know if it's in writing or not,</p> <p>2 sir, I can't really tell you because I</p> <p>3 presume this from the day that I started</p> <p>4 that you're never alone with a female off</p> <p>5 --- or with a female inmate. It is the</p> <p>6 best policy for that officer if he's a</p> <p>7 male officer and he needs to counsel an</p> <p>8 inmate that a female officer be present</p> <p>9 at all times.</p> <p>10 Q. Okay. As I understand it, you're</p> <p>11 not sure if there's something in writing</p> <p>12 saying that or not; is that correct?</p> <p>13 A. I couldn't tell you, sir, because</p> <p>14 I just --- I follow that rule.</p> <p>15 Q. Okay. Do you recall ever hearing</p> <p>16 any rumors or reference to condoms being</p> <p>17 found in the bathrooms in the dining hall</p> <p>18 area between 1993 and 1996?</p> <p>19 A. No.</p> <p>20 ATTORNEY KRAKOFF:</p> <p>21 Let's take a break for a</p> <p>22 minute.</p> <p>23 SHORT BREAK TAKEN</p> <p>24 BY ATTORNEY KRAKOFF:</p> <p>25 Q. Just another couple questions of</p>
<p style="text-align: right;">Page 180</p> <p>1 We went over that</p> <p>2 yesterday. We'll get you the</p> <p>3 attachment.</p> <p>4 ATTORNEY KRAKOFF:</p> <p>5 Okay.</p> <p>6 ATTORNEY HALLORAN:</p> <p>7 I don't think I received</p> <p>8 the attachments either.</p> <p>9 ATTORNEY KRAKOFF:</p> <p>10 Okay.</p> <p>11 BY ATTORNEY KRAKOFF:</p> <p>12 Q. Is there a policy in place ---</p> <p>13 first I'll ask you whether there is a</p> <p>14 written policy in place now that</p> <p>15 prohibits a male officer from being alone</p> <p>16 with a fe --- with an inmate in any part</p> <p>17 of the prison? Is there anything in</p> <p>18 writing that says that as far as you</p> <p>19 know?</p> <p>20 A. It is the institution's policy</p> <p>21 now --- I'm not sure where it's written</p> <p>22 at, ---</p> <p>23 Q. Okay.</p> <p>24 A. --- but the guidelines which have</p> <p>25 been instilled at the institution --- I</p>	<p style="text-align: right;">Page 182</p> <p>1 a biographical nature.</p> <p>2 A. Okay.</p> <p>3 Q. I don't think I ever asked you</p> <p>4 how old you are?</p> <p>5 A. Thirty-four (34). You asked me</p> <p>6 that already.</p> <p>7 Q. Did I?</p> <p>8 A. Uh-huh (yes).</p> <p>9 Q. I'm sorry.</p> <p>10 A. That's okay.</p> <p>11 Q. How far did you go in school?</p> <p>12 A. Twelfth grade. Graduated.</p> <p>13 Q. And you were in the service for a</p> <p>14 period of time?</p> <p>15 A. I'm still in. Reserves now.</p> <p>16 Q. What were you in when you were on</p> <p>17 active duty?</p> <p>18 A. The Air Force.</p> <p>19 Q. What was your rank at the time</p> <p>20 you retired or ---?</p> <p>21 A. E4.</p> <p>22 Q. What is --- is that like a ---</p> <p>23 A. Sergeant.</p> <p>24 Q. --- sergeant?</p> <p>25 A. Uh-huh (yes).</p>

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1 Q. Now, are you married?

2 A. I'm divorced.

3 Q. Okay. And when did you --- when
4 were you divorced?

5 A. As of May --- last May.

6 ATTORNEY KRAKOFF:

7 That's all. Thank you.

8 That's the end.

9 A. Okay.

10 ATTORNEY HALLORAN:

11 I have no questions.

12 * * * * *

13 CONTINUED DEPOSITION CONCLUDED

14 AT 12:11 P.M.

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